#### IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BI WEN LIU, XUE XIU LIU, XIU JU ZHUANG, CHUN JIN DONG, YU ZHU LIU, LI HUA LIU, JIN YU ZHENG, YONG QIANG LIU, LING LIN, BAO GUAN SHAO, GUANG ZHONG LI, NICK (REN XING) ZHANG, XIN WU CHEN, JING TUAN LIU, DAO CHAI WU, JING CHUN ZHENG, XIN HAO OU, YI CHI WENG, JUN GUANG CHEN, JIN EU CHEN, YONG HE DONG, YONG FEI LIU, AND YAN YING LIU

Plaintiffs, : CIVIL ACTION

v. : NO.

THE CITY OF PHILADELPHIA, : JURY TRIAL DEMANDED

Defendant.

#### **COMPLAINT**

Plaintiffs, Bi Wen Liu, Xue Xiu Liu, Xiu Ju Zhuang, Chun Jin Dong, Yu Zhu Liu, Li Hua Liu, Jin Yu Zheng, Yong Qiang Liu, Ling Lin, Bao Guan Shao, Guang Zhong Li, Nick (Ren Xing) Zhang, Xin Wu Chen, Jing Tuan Liu, Dao Chai Wu, Jing Chun Zheng, Xin Hao Ou, Yi Chi Weng, Jun Guang Chen, Jin Eu Chen, Yong He Dong, Yong Fei Liu, and Yan Ying Liu, bring this action against Defendant, The City of Philadelphia, and allege as follows:

#### NATURE OF THE ACTION

- 1. This is a civil action for damages and injunctive relief arising under the Fifth and Fourteenth Amendments to the U.S. Constitution pursuant to 42 U.S.C. § 1983.
- 2. At relevant times, Defendant has engaged in invidious discrimination against certain Chinese people and their Chinese take-out restaurant businesses in Philadelphia, including Plaintiffs, through adoption and administration of Philadelphia Ordinance § 9-627 ("11

- P.M. Ordinance") resulting in Plaintiffs being unconstitutionally deprived of equal protection of the laws in violation of the 42 U.S.C. §1983.
- 3. Philadelphia City Council enacted the 11 P.M. Ordinance with the intent to target and discriminate against certain Chinese people and their Chinese take-out restaurant businesses in Philadelphia.
- 4. Further, the 11 P.M. Ordinance's terms are so vague that persons of ordinary intelligence must necessarily guess as to their meaning and differ as to their application.
- 5. The 11 P.M. Ordinance has been selectively enforced against Chinese people and their Chinese take-out restaurant businesses.
- 6. As a result of the unconstitutionally vague 11 P.M. Ordinance and its selective enforcement, at relevant times certain Chinese take-out restaurant business owners in Philadelphia have been required to pay thousands of dollars in fines as a result of discriminatory code violation notices ("CVNs") issued to them under the 11 P.M. Ordinance by the City of Philadelphia's Police Department, and have been otherwise damaged.

## **JURISDICTION**

- 7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343.
- 8. There is personal jurisdiction because the Defendant is located in the Eastern District of Pennsylvania and the unlawful actions giving rise to Plaintiffs' claims occurred within the Eastern District of Pennsylvania.

#### **VENUE**

9. Venue lies in the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 1391(b), as the events giving rise to Plaintiffs' claims occurred in the Eastern District of Pennsylvania.

#### **PARTIES**

- 10. Plaintiff Bi Wen Liu is a Chinese-American who owned the now-closed China Clover Chinese Restaurant ("China Clover"), formerly located at 3807 Pulaski Avenue, Philadelphia, PA 19140. Liu owned and operated China Clover from approximately 2009 to approximately 2014, when Liu closed China Clover as a result of the 11 P.M. Ordinance.
- 11. Plaintiff Xue Xiu Liu is a Chinese-American who currently owns Choy Yung Inn Chinese restaurant ("Choy Yung Inn"), 1526 South 22<sup>nd</sup> Street, Philadelphia, PA 19146. At relevant times, Xue Xiu Liu has owned and operated Choy Yung Inn.
- 12. Plaintiff Xiu Ju Zhuang is a Chinese-American who owned the now-closed DY's Express Chinese restaurant ("DY's Express"), 1700 South 20<sup>th</sup> Street, Philadelphia, PA, 19145. Zhuang owned and operated DY's Express until approximately 2013, when Zhuang closed DY's Express as a result of the 11 P.M. Ordinance.
- 13. Plaintiff Chun Jin Dong is a Chinese-American who currently owns Four Seasons Chinese restaurant ("Four Seasons"), 1468 North 60<sup>th</sup> Street, Philadelphia, PA 19151. At relevant times, Chun Jin Dong has owned and operated Four Seasons.
- Plaintiff Yu Zhu Liu is a Chinese-American who formerly owned Golden
   City Chinese restaurant ("Golden City"), 4132 North Broad Street, Philadelphia, PA 19140. Liu

has owned and operated Golden City until approximately September 2014, when Liu sold Golden City as a result of the 11 P.M. Ordinance. At relevant times, Yu Zhu Liu owned and operated Golden City.

- 15. Plaintiff Li Hua Liu is a Chinese-American who currently owns Golden City, 4132 North Broad Street, Philadelphia, PA 19140. At relevant times, Li Hua Liu has owned and operated Golden City.
- 16. Plaintiff Jin Yu Zheng is a Chinese-American who currently owns Golden Dragon Chinese restaurant ("Golden Dragon"), 4163 North Darien Street, Philadelphia, PA 19140. At relevant times, Jin Yu Zheng has owned and operated Golden Dragon.
- 17. Plaintiff Yong Qiang Liu is a Chinese-American who currently owns
  Golden Empire Chinese restaurant ("Golden Empire"), 1732 South 58<sup>th</sup> Street, Philadelphia, PA
  19143. At relevant times, Yong Qiang Liu has owned and operated Golden Empire.
- 18. Plaintiff Ling Lin is a Chinese-American who owned the former Good Taste Chinese restaurant, formerly located at 529 S. 60<sup>th</sup> Street, Philadelphia, PA 19143. As a result of the enforcement of the 11 P.M. Ordinance, Ling Lin was forced to close her restaurant. At relevant times, Lin owned and operated Good Taste.
- 19. Plaintiff Bao Guan Shao is a Chinese-American who currently owns Grace House Chinese restaurant ("Grace House"), 134 North 52<sup>nd</sup> Street, Philadelphia, PA 19139. At relevant times, Bao Guan Shao has owned and operated Grace House.

- 20. Plaintiff Guang Zhong Li is a Chinese-American who currently owns

  Great Wall Chinese restaurant ("Great Wall"), 6705 Torresdale Avenue, Philadelphia, PA 19135.

  At relevant times, Guang Zhong Li has owned and operated Great Wall.
- 21. Plaintiff Nick (Ren Xing) Zhang is a Chinese-American who currently owns Jade Palace Chinese restaurant ("Jade Palace"), 3468 North Water Street, Philadelphia, PA 19134. At relevant times, Nick (Ren Xing) Zhang has owned and operated Jade Palace.
- 22. Plaintiff Xin Wu Chen is a Chinese-American who currently owns Li Lai Chinese restaurant ("Li Lai"), 5609 Walnut Street, Philadelphia, PA 19139. At relevant times, Xin Wu Chen has owned and operated Li Lai.
- 23. Plaintiff Jing Tuan Liu is a Chinese-American who currently owns Lucky Garden Chinese restaurant ("Lucky Garden"), 4361 North 8<sup>th</sup> Street, Philadelphia, PA 19140. At relevant times, Jing Tuan Liu owned and operated Lucky Garden.
- 24. Plaintiff Dao Chai Wu is a Chinese-American who currently owns Lucky House Chinese restaurant ("Lucky House"), 5543 Torresdale Avenue, Philadelphia, PA 19124. At relevant times, Dao Chai Wu has owned and operated Lucky House.
- 25. Plaintiff Jing Chun Zheng is a Chinese-American who formerly owned Ming Moon Chinese restaurant ("Ming Moon"), 435 East Allegheny Avenue, Philadelphia, PA 19134. Zheng owned and operated Ming Moon from approximately 2001 to approximately 2015, when Zheng sold Ming Moon as a result of the 11 P.M. Ordinance.

- 26. Plaintiff Xin Hao Ou is a Chinese-American who currently owns Ming Moon, 435 East Allegheny Avenue, Philadelphia, PA 19134. At relevant times, Ou has owned and operated Ming Moon.
- 27. Plaintiff Yi Chi Weng is a Chinese-American who currently owns No. 1 Chinese Restaurant ("No. 1 Chinese"), 550 East Allegheny Avenue, Philadelphia, PA 19134. At relevant times, Yi Chi Weng has owned and operated No. 1 Chinese.
- 28. Plaintiff Jun Guang Chen is a Chinese-American who currently owns
  Oriental Sun Chinese restaurant ("Oriental Sun"), 2900 North Howard Street, Philadelphia, PA,
  19133. At relevant times, Jun Guang Chen has owned and operated Oriental Sun.
- 29. Plaintiff Jin Eu Chen is a Chinese-American who currently owns Panda Chinese restaurant ("Panda"), 666 East Allegheny Avenue, Philadelphia, PA 19134. At relevant times, Jin Eu Chen has owned and operated Panda.
- 30. Plaintiff Yong He Dong is a Chinese-American who currently owns

  Peking Inn Chinese restaurant ("Peking Inn"), 4905 Catharine Street, Philadelphia, PA 19143.

  At relevant times, Dong has owned and operated Peking Inn.
- 31. Plaintiff Yong Fei Liu is a Chinese-American who currently owns Pine Chinese restaurant ("Pine"), 400 South 60<sup>th</sup> Street, Philadelphia, PA 19143. At relevant times, Yong Fei Liu has owned and operated Pine Chinese.
- 32. Plaintiff Lan Ying Liu is a Chinese-American who currently owns
  Yummy Yummy Chinese restaurant ("Yummy Yummy"), 4761 Griscom Street, Philadelphia,
  PA 19124. At relevant times, Liu has owned and operated Yummy Yummy.

33. Defendant The City of Philadelphia is a municipal corporation, defined as a City of the First Class, formed under the laws of the Commonwealth of Pennsylvania, with a business address of One Parkway Building, 17<sup>th</sup> Floor, 1515 Arch Street, Philadelphia, PA 19102-1595.

#### **FACTUAL BACKGROUND**

- I. LEGISLATIVE HISTORY INDICATES THAT THE PASSAGE AND SUBSEQUENT AMENDMENT OF THE 11 P.M. ORDINANCE INTENDED TO TARGET CERTAIN CHINESE PEOPLE AND THEIR CHINESE TAKE-OUT RESTAURANT BUSINESSES
  - A. Philadelphia City Council Passed the 11 P.M. Ordinance In Response to Complaints About Certain Chinese People and Their Chinese Take-Out Restaurant Businesses
- 34. On or about January 25, 2005, Philadelphia's Mayor John A. Street signed into law the 11 P.M. Ordinance (Bill No. 040788-AA), which amended Chapter 9-600 of The Philadelphia Code, and provided for "regulating the hours of operation of commercial establishments located on residential blocks and provided for penalties, all under certain terms and conditions." A copy of the 11 P.M. Ordinance is attached as Exhibit A.
- 35. The 11 P.M. Ordinance was designed and has been enforced to target certain Chinese people and their Chinese take-out restaurant businesses on "residential blockfaces" in Philadelphia and prohibits the operation of these businesses between the hours of 11:00 p.m. and 6:00 a.m. Phila. Code. § 9-627(4).
- 36. The 11 P.M. Ordinance targets such certain Chinese people and their Chinese take-out restaurant businesses in Philadelphia though its definition of "commercial establishment." A commercial establishment is limited to "an establishment involved in the

buying and selling of goods where consumers primarily purchase goods intended for consumption or use off premises." Phila. Code. § 9-627(3)(a).

- 37. The 11 P.M. Ordinance prohibits any commercial establishment from operating between the designated hours if the commercial establishment is located on a "residential blockface." Phila. Code. § 9-627(4).
  - 38. The 11 P.M. Ordinance's definition of "residential blockface" provides:

One side of a segment of a street that does not extend beyond any intersection with another street, or a portion thereof, and where eighty percent (80%) or more of the buildings are dwellings. A blockface shall not be considered a residential blockface if, geographically, fifty percent (50%) or more of the block frontage is comprised of commercial establishments.

Phila. Code. § 9-627(3).

- 39. In 2007, Philadelphia City Council amended the 11 P.M. Ordinance to target "take-out restaurants" located on corner lots where two streets intersect. The 11 P.M. Ordinance as amended provides that "such establishment shall be considered to be located on a residential blockface if either of the streets which intersect at a corner meet the definition of residential blockface under this Section, notwithstanding the establishment's assigned street address." Phila. Code. § 9-627(4).
  - B. From Inception the 11 P.M. Ordinance Targeted Philadelphia's Chinese People and Their Chinese Take-Out Restaurant Businesses
- 40. At the time of enactment, Philadelphia City Council claimed, through its legislative findings, that the law was necessary "to decrease criminal activity at late-night

commercial establishments and promote a feeling of safety on predominately residential blockfaces in the City." Phila. Code § 9-627(2).

- 41. However, the legislative history demonstrates that much of the testimony in favor of the bill focused specifically on Chinese people and their Chinese take-out restaurant businesses. Upon information and belief, the vast majority of Philadelphia Chinese take-out restaurant businesses are principally owned and operated by, and employ, persons of Chinese descent and nationality, including Chinese-Americans.
- 42. Demonstrating City Council's focus on Chinese people and their Chinese take-out restaurant businesses, for example, at the 2004 City Council public hearing introducing the then-proposed 11 P.M. Ordinance, Councilman Rick Mariano disparaged Chinese people and their take-out restaurant businesses:

What I'm getting it is it got me to start look around a lot more. On Allegheny Avenue, for instance, for nine blocks about two blocks away from Kensington Avenue going up Allegheny going west, for nine blocks there's a Chinese – not to Chinese people or anybody. But there's a Chinese take-out restaurant on every corner. I mean every corner for nine blocks? Now, I know without getting the lady that works for me that does the zoning, because she did for me, but before she did it, I know none of them had license for take-out. What they had was a restaurant license. That's not a restaurant.

Oct. 28, 2004 Philadelphia City Council Committee on Licenses and Inspections Public Hr. Trg. 22:5-18.

43. Without any factual support Councilman Mariano also asserted at the 2004 hearing that the 11 P.M. Ordinance was needed to regulate Chinese take-out restaurants because some sell drug paraphernalia:

If it's a place you go in and there's Plexiglas and they're selling Chinese food, crack pipes, cigarette papers, soda, and some places you can even get beer and malt liquor – that's a whole other issue. They're not restaurants. They are stop-n-goes and take out.

Id. at 22:18-23:24 (emphasis added).

- 44. Upon information and belief, none of the restaurants owned and operated by Plaintiffs has ever sold drug paraphernalia or alcohol.
- 45. As further rationale for the 11 P.M. Ordinance, Councilman Mariano argued that Chinese take-out restaurant business target the poor and provide low quality food:

And the annoying thing to us as elected officials is, like Ms. Cummings said, without thinking about the nutritional value, they pick the poor and the impoverished neighborhoods. You don't see these things in certain areas of the City. They creep up in neighborhoods that are economically disadvantaged and where people are just too busy with surviving everyday to realize, "Hey, that's good. While I'm at work because there's not a father figure, the kids can grab some Chinese food down the street because they're 14 and 13, they're old enough to go to the store. I'll leave them 10 bucks, they get Chinese food." Well, who knows what they're eating.

*Id.* at 23:25-24:16.

- 46. Consciously attempting to balance his remarks against Chinese people and their Chinese take-out restaurant businesses, the Councilman added: "It doesn't have to be Chinese food, it could be Italian food, it could be anything." *Id.* at 24:16-18.
- 47. The commentary regarding Chinese people and their Chinese take-out restaurant businesses was not limited to City Council members such as Councilman Mariano. A witness at the hearing testified that the 11 P.M. Ordinance was needed specifically to address Chinese take-out restaurant businesses in Philadelphia:

I thought that the bill was mainly focussing (sic) on Chinese restaurants that are prevalent in our communities. There's a big difference between how these establishments are ran (sic) and what kind of dialog can take place between the residents of those kinds of establishments and, say, for instance, a Sunoco and these kinds of things. I think that there probably needs to be more thought given to separating the two. In my mind, the Chines (sic) restaurants – and again, I'm not picking on Chinese people. We know that they need to earn a living. But most times we are not able to communicate with them. We are not able to get a dialog going with them.

Id. at 68:11-25.

- 48. In response, Councilman Mariano stated: "At least Sunoco is here listening. Other companies aren't here. We get your point. Thank you." *Id.* at 69:2-4.
- 49. Similarly, a witness blamed a Chinese restaurant for crime in her area. *Id.* at 38:25-41:17.
  - C. The Public Record of the Passage of the 2007 Amendment to the 11
    P.M. Ordinance Shows City Council Intended to Target Chinese People
    and Their Chinese Take-Out Restaurant Businesses
- 50. In 2007, Philadelphia City Council addressed a concern that the 11 P.M. Ordinance did not adequately reach commercial establishments located at intersections, such as where one "blockface" was "residential" and the other "commercial." A commercial establishment with a street address on a non-residential blockface was not subject to regulation under the 11 P.M. Ordinance.
- 51. In 2007, an amendment to the 11 P.M. Ordinance regarding its application respecting street intersections demonstrated that the 11 P.M. Ordinance was specifically intended to target "take-out restaurants." During a public hearing on the proposed amendment, there was

testimony that the 11 P.M. Ordinance was designed to target take-out restaurants and no other businesses, which could have allowed other businesses to stay open as late as they wanted. Oct. 23, 2007 Philadelphia City Council Committee on Licenses and Inspections Public Hrg. Trns. 33:21-34:20.

- 52. During debate concerning the proposed amendment, there was testimony specifically regarding operations of Chinese take-out restaurants. *Id.* at 38:25-41:70; 44:3-47:14.
- 53. The 2007 Amendment to the 11 P.M. Ordinance respecting street intersections was not extended to "commercial establishments." The amendment was limited to apply only to "take-out restaurants." This was because the 11 P.M. Ordinance was always intended to target Philadelphia's Chinese people and their Chinese take-out restaurant businesses.

#### II. 11 P.M. ORDINANCE IS UNCONSTITUTIONALLY VAGUE

- A. "Commercial Establishment" Is Unconstitutionally Vague
- 54. For the reasons set forth herein, among others, the 11 P.M. Ordinance is unconstitutionally vague as applied.
- 55. The 11 P.M. Ordinance regulates the operations of "commercial establishments." A commercial establishment is "an establishment involved in the buying and selling of goods where consumers primarily purchase goods intended for consumption or use off premises." Phila. Code. § 9-627(3)(a).
- 56. However, the 11 P.M. Ordinance does not define crucial terms for its application and enforcement. For example, it does not define the term "primarily" in its

definition of "commercial establishment." It provides no basis for determining when a business is primarily involved in the buying and selling of the requisite "goods." Among other things, the 11 P.M. Ordinance does not specify over what period of time "primarily" is determined, or any basis on which "primarily" is calculated.

- 57. The 11 P.M. Ordinance provides no means or mechanism for the Philadelphia Police to make any required determination regarding when a business is a "commercial establishment" for purposes of applying and enforcing the 11 P.M. Ordinance.
- 58. The Ordinance's definition of "commercial establishment" is so vague that persons of ordinary intelligence must necessarily guess as to the meaning of the 11 P.M.

  Ordinance and differ as to its application. This has allowed its selective enforcement against Plaintiffs through the issuance of CVNs by Defendant.

#### B. "Residential Blockface" Is Unconstitutionally Vague

59. The Ordinance defines a "Residential Blockface" as follows:

One side of a segment of a street that does not extend beyond any intersection with another street, or a portion thereof, and where eighty percent (80%) or more of the buildings are dwellings. A blockface shall not be considered a residential blockface if, geographically, fifty percent (50%) or more of the block frontage is comprised of commercial establishments.

Phila. Code. § 9-627(3)(c).

60. Upon information and belief, there is no list, map, or other document that identifies which areas in Philadelphia are subject to the 11 P.M. Ordinance as "residential blockfaces." This is because the designation of an area as residential at any given time defies

certainty and fails to provide persons affected with notice of when a business is subject to the 11 P.M. Ordinance.

- 61. The vagueness of the definition of "residential blockface" is demonstrated by the record of enforcement of the 11 P.M. Ordinance itself by the Philadelphia Police Department.
- 62. For example, various officers of the Philadelphia Police Department have calculated different results with respect to the same Chinese restaurant, with one officer describing the subject blockface as comprised of "5 businesses, 10 units," and another officer describing the same location as involving "3 Business / 3 units." These citations are attached as Exhibit B. In some instances, the same officer even calculated different results for the same Chinese restaurant on separate occasions. For example, Good Luck Chinese, 529 South 60<sup>th</sup> Street, Philadelphia, received tickets issued by the same officers who calculated both "3 business 13 units" and "6 residential 3 business." These citations are attached as Exhibit C.
- 63. The 11 P.M. Ordinance provides no means or mechanism for the Philadelphia Police to make any required determination regarding when a street constitutes a "residential blockface" for purposes of applying and enforcing the 11 P.M. Ordinance.
- 64. The Ordinance's definition of "residential blockface" is so vague that persons of ordinary intelligence must necessarily guess as to the meaning of the 11 P.M.

  Ordinance and differ as to its application. This has allowed its selective enforcement against Plaintiffs through the issuance of CVNs by Defendant.

### C. "Take-Out Restaurant" Is Unconstitutionally Vague

- 65. In connection with the definition of "residential blockface," the 11 P.M. Ordinance defines "take-out restaurant" as follows:
  - (d) Take-out Restaurant. A commercial establishment engaged in the preparation and retail sale of food and beverages where the serving of prepared food and/or beverages in disposable packaging and/or containers for consumption by patrons off the premises constitutes more than fifty (50) percent of the establishment's gross revenues.

Phila. Code. § 9-627(3)(d).

- 66. Upon information and belief, there is no official designation under the 11 P.M. Ordinance of what businesses qualify as "take out restaurants." While the 11 P.M. Ordinance identifies gross revenues as a basis for determination, the 11 P.M. Ordinance supplies no specification of when or how gross revenues are to be determined and applied.
- 67. The 11 P.M. Ordinance provides no means or mechanism for the Philadelphia Police to make any such required determination regarding what businesses are "take-out restaurants" for purposes of applying and enforcing the 11 P.M. Ordinance.
- 68. The 11 P.M. Ordinance's definition of "take-out restaurant" is so vague that persons of ordinary intelligence must necessarily guess as to the meaning of the 11 P.M. ordinance and differ as to its application. This has allowed its selective enforcement against Plaintiffs through the issuance of CVNs by Defendant.

- III. THE 11 P.M. ORDINANCE HAS BEEN SELECTIVELY ENFORCED TO DISCRIMINATE AGAINST CHINESE PEOPLE AND THEIR CHINESE TAKE-OUT RESTAURANT BUSINESSES
- 69. The 11 P.M. Ordinance was intended to target Chinese people and their Chinese take-out restaurant businesses and is impermissibly vague as applied. Consistent with these features of the 11 P.M. Ordinance, it has also been selectively enforced against Chinese people and their Chinese take-out restaurant businesses.
- 70. During fiscal years 2015 and 2016, the Philadelphia Police Department issued approximately 861 total CVNs under the 11 P.M. Ordinance. In FY 2015, approximately ninety-six percent of the total CVNs were issued against Chinese take-out restaurant businesses. In FY 2016, at least eighty-five percent of the CVNs were issued against Chinese take-out restaurant businesses.
- 71. Of the CVNs issued under the 11 P.M. Ordinance during fiscal years 2015 and 2016, approximately eighty percent of the CVNs were against Chinese take-out restaurants on street corners.
- 72. One CVN issued to Rose Garden Chinese Restaurant in Philadelphia stated that "[a]Il Chinese restaurants have been advised to close due to neighborhood." A copy of this CVN is attached as Exhibit D.
- 73. Upon information and belief, Plaintiff Bi Wen Liu's China Clover Chinese restaurant has received at least five CVNs under the 11 P.M. Ordinance. During fiscal years 2015, China Clover received a CVN on July 13, 2014. These CVNs totaled more than \$1,000 in fines. To contest the CVNs, Liu incurred expense and was damaged.

- 74. Bi Wen Liu has limited English proficiency, and has only a limited understanding of communications with the police who issued CVNs. Liu tried to show a police officer that China Clover was on a non-residential blockface not subject to the 11 P.M. Ordinance. The police threatened to arrest Liu, and one officer even sought to close the restaurant by forcibly pulling down the restaurant's metal gate.
- 75. Upon information and belief, Plaintiff Xue Xiu Liu's Choy Yung Inn Chinese restaurant received about ten CVNs under the 11 P.M. Ordinance. During fiscal years 2015, Choy Yung Inn received a CVN on August 10, 2014. To contest the CVNs, Liu incurred expenses and was damaged.
- 76. Upon information and belief, near Choy Yung Inn, at least one similarly situated non-Chinese restaurant, Southside Chicken & Seafood Philly Pizza, 1508 Point Breeze Avenue, Philadelphia, PA 19146, also stayed open past 11:00 p.m. Based on the available records, Southside Chicken & Seafood Philly Pizza has never been cited under the 11 P.M. Ordinance.
- 77. Upon information and belief, Plaintiff Xiu Ju Zhuang's DY's Express Chinese restaurant received at least ten CVNs under the 11 P.M. Ordinance. During fiscal years 2015, DY's Express received a CVN on August 24, 2014. These CVNs totaled more than \$1,000 in fines.
- 78. Xiu Ju Zhuang has limited English proficiency, and thus has only a limited understanding of communications with the police who issued CVNs. Even when Zhuang had already closed DY's Express, the police would sometimes still issue CVNs. The police would wait outside the restaurant to issue CVNs at about 11:00 p.m. Even when the restaurant signs

were turned off and the entrance door was locked, Zhuang still received CVNs, apparently because lights were on in the back of the structure, and Zhuang was present. Sometimes Zhuang found CVNs under the door the next day, without any explanation.

- 79. Upon information and belief, near DY's Express, at least two similarly situated non-Chinese restaurants, Nick's Old Original Roast Beef, 2149 South 20<sup>th</sup> Street, Philadelphia, PA 19145, and San Lucas Pizzeria, 2000 South Bouvier Street, Philadelphia, PA 19145, also stayed open past 11:00 p.m. Based on the available records, Nick's Old Original Roast Beef and San Lucas Pizzeria have never been cited under the 11 P.M. Ordinance.
- 80. Upon information and belief, Plaintiff Chun Jin Dong's Four Seasons
  Chinese restaurant received at least two CVNs under the 11 P.M. Ordinance. During fiscal years
  2015, Four Seasons received a CVN on September 24, 2014. In some cases, the police reportedly
  prepared CVNs before 11:00 p.m. and waited until 11:00 p.m. to issue the CVNs to Four
  Seasons.
- 81. Upon information and belief, near Four Seasons, at least one similarly situated non-Chinese restaurant, Jim's Steaks, 431 North 62nd Street, Philadelphia, PA 19151, also stayed open past 11:00 P.M. Based on the available records, Jim's Steaks has never been cited under the 11 P.M. Ordinance.
- 82. Upon information and belief, Plaintiff Yu Zhu Liu and Li Hua Liu's Golden City Chinese restaurant received a total of at least ten CVNs under the 11 P.M. Ordinance. During fiscal years 2015 and 2016, Golden City received CVNs from approximately September 6, 2014 through May 14, 2016, including from Defendant Officer 2462.

- 83. Yu Zhu Liu and Li Hua Liu have limited English proficiency, and thus have only a limited understanding of communications with the police who issued CVNs.
- 84. Upon information and belief, near Golden City, at least two similarly situated non-Chinese restaurants, Domino's Pizza, 4229 North Broad Street, Philadelphia, PA 19140, and McDonald's, 4200 North Broad Street, Philadelphia, PA 19140, also stayed open past 11 P.M. Based on the available records, Domino's Pizza and McDonald's were never cited under the 11 P.M. Ordinance.
- 85. Upon information and belief, Plaintiff Jin Yu Zheng's Golden Dragon Chinese restaurant received dozens of CVNs under the 11 P.M. Ordinance. During fiscal years 2015 and 2016, Golden Dragon received CVNs from approximately July 2, 2014 through July 30, 2015. Zheng's most recent CVNs were issued in or approximately 2017.
- 86. Upon information and belief, near Golden Dragon, at least two similarly situated non-Chinese restaurants, El Greco Pizza, 4301 North 9<sup>th</sup> Street, Philadelphia, PA 19140, and Old English Style Pizza, 4163 North 9<sup>th</sup> Street, Philadelphia, PA 19140, also stayed open past 11:00 p.m. Based on the available records, El Greco Pizza and Old English Style Pizza have never been cited under the 11 P.M. Ordinance.
- 87. Upon information and belief, Plaintiff Yong Qiang Liu's Golden Empire Chinese restaurant received more than twenty CVNs under the 11 P.M. Ordinance.
- 88. Yong Qiang Liu has limited English proficiency, and thus has only a limited understanding of communications with the police who issued CVNs. In some cases, the

police issued CVNs even after Golden Empire had closed its doors (leaving the CVNs in the mailbox).

- 89. Upon information and belief, Plaintiff Ling Lin's Good Taste Chinese restaurant received at least twenty CVNs under the 11 P.M. Ordinance. During fiscal years 2015 and 2016, Good Taste received CVNs from approximately November 8, 2014 through June 26, 2016.
- 90. Ling Lin has limited English proficiency, and thus has only a limited understanding of communications with the police who issued CVNs. When Lin went to hearings to contest her previous CVNs, the court found that Good Taste was on a commercial block not subject to the ordinance, and dismissed these CVNs. When Lin tried to show this evidence to the police, the officer ignored the court dismissals and stated: "You can go [to] hearings to get tickets dismissed, but I'll ticket you anyway. If you don't close, I'll force you to close in any way."
- 91. When Lin tried to ask the police why a nearby pizza restaurant didn't receive CVNs, the police responded: "It's none of your business whether I'll ticket them or not. I'm asking you to close now. I'm not giving them a ticket, just you. If you don't close I can find all kinds of reasons to give you a ticket." Once Lin tried to start recording the interactions with the police, the officer stopped talking and physically blocked the door to the restaurant.
- 92. Upon information and belief, near Good Taste, at least one similarly situated non-Chinese restaurant, South Style Pizza & Deli, 449 South 61st Street, Philadelphia, PA 19143, also stayed open past 11 P.M. Based on the available records, South Style Pizza & Deli was never cited under the 11 P.M. Ordinance.

- 93. Upon information and belief, Grace Chinese restaurant, 608 South 60<sup>th</sup> Street, Philadelphia, PA 19143, received at least three CVNs under the 11 P.M. Ordinance. During fiscal years 2015 and 2016, Grace Chinese received three CVNs from approximately April 12, 2015 through June 26, 2016. Yang's most recent CVNs were issued in or approximately 2017.
- 94. Upon information and belief, near Grace Chinese, at least one similarly situated non-Chinese restaurant, South Style Pizza & Deli, 449 South 61<sup>st</sup> Street, Philadelphia, PA 19143, also stayed open past 11:00 p.m. Based on the available records, South Style Pizza & Deli has never been cited under the 11 P.M. Ordinance.
- 95. Upon information and belief, Plaintiff Bao Guan Shao's Grace House Chinese restaurant received at least thirteen CVNs from approximately December 9, 2016 through February 24, 2017 under the 11 P.M. Ordinance.
- 96. When Bao Guan Shao contested the CVNs in court, Shao incurred expense and was damaged.
- 97. After Shao's court proceedings, a police officer argued that while Grace House was on a commercial block, the opposite side of the street was a residential block. In some instances, police would just leave tickets in Grace House's mail box, without any indication that the ticket had been issued when the restaurant was still open. This police treatment under the 11 P.M. Ordinance prompted Shao to move and relocate the business.
- 98. Upon information and belief, near Grace House, at least two similarly situated non-Chinese restaurants, Checkers, 5129 Market Street, Philadelphia, PA 19139, and

Pete's Pizza, 5158 Haverford Avenue, Philadelphia, PA 19139, also stayed open past 11:00 p.m. Based on the available records, Checkers and Pete's Pizza have never been cited under the 11 P.M. Ordinance.

- 99. Upon information and belief, Plaintiff Guang Zhong Li's Great Wall Chinese restaurant received at least five CVNs under the 11 P.M. Ordinance. During fiscal years 2015 and 2016, Great Wall received three CVNs from approximately March 2, 2016 through June 5, 2016.
- 100. When Li tried to ask the police why nearby pizza restaurants were not cited, the police replied: "None of your business."
- 101. Upon information and belief, near Great Wall, at least two similarly situated non-Chinese restaurants, Bravo's Pizza, 6702 Torresdale Avenue, Philadelphia, PA 19135, and Non Stop Pizza, 6601 Hegerman Street, Philadelphia, PA 19135, also stayed open past 11:00 p.m. Based on the available records, Bravo's Pizza and Non Stop Pizza & Grille have never been cited under the 11 P.M. Ordinance.
- 102. Upon information and belief, Hong Kong Chinese restaurant, 100 North Edgewood Street, Philadelphia, PA 19139, received at least four CVNs under the 11 P.M. Ordinance. During fiscal years 2015 and 2016, Hong Kong received four CVNs from approximately September 12, 2014 through April 23, 2016.
- 103. Upon information and belief, near Hong Kong, at least one similarly situated non-Chinese restaurant, Pete's Pizza, 201 South 60<sup>th</sup> Street, Philadelphia, PA 19139,

also stayed open past 11:00 p.m. Based on the available records, Pete's Pizza has never been cited under the 11 P.M. Ordinance.

- 104. Upon information and belief, Plaintiff Nick (Ren Xing) Zhang's Jade
  Palace Chinese restaurant received at least four CVNs under the 11 P.M. Ordinance. During
  fiscal years 2015 and 2016, Jade Palace received four CVNs from approximately August 2, 2014
  through August 6, 2015.
- 105. Upon information and belief, near Jade Palace, at least one similarly situated non-Chinese restaurant, Pizza Power, 123 East Allegheny Avenue, Philadelphia, PA 19134, also stayed open past 11:00 p.m. Based on the available records, Pizza Power has never been cited under the 11 P.M. Ordinance.
- 106. Upon information and belief, Plaintiff Xin Wu Chen's Li Lai Chinese restaurant received at least four CVNs under the 11 P.M. Ordinance. During fiscal years 2015 and 2016, Li Lai received one CVN on March 24, 2015.
- 107. Upon information and belief at least three similarly situated non-Chinese restaurants near Li Lai, Delancey Street Pizzeria, 5701 Delancey Street, Philadelphia, PA 19143, Jim's Pizza & Steaks, 5605 Spruce Street, Philadelphia, PA 19139, and Pete's Pizza, 201 South 60<sup>th</sup> Street, Philadelphia, PA 19139, also stayed open past 11:00 p.m. In fact, Delancey Street Pizzeria and Pete's Pizza appear to be on more residential blocks than Li Lai. Based on the available records, Delancey Street Pizzeria, Jim's Pizza & Steaks, and Pete's Pizza have never been cited under the 11 P.M. Ordinance.

- 108. Upon information and belief, Plaintiff Jing Tuan Liu's Lucky Garden Chinese restaurant received at least seven CVNs under the 11 P.M. Ordinance. During fiscal years 2015 and 2016, Lucky Garden received seven CVNs from approximately August 2, 2014 through June 20, 2015. Recently, Liu received CVNs in or approximately April 2017.
- 109. Jing Tuan Liu has limited English proficiency, and thus has only a limited understanding of communications with the police who issued CVNs. The police sometimes even issued CVNs after Lucky Garden had already closed by 11:00 p.m. In one instance, Liu's family was eating inside the restaurant after it closed, and customers came and knocked on the door. Even though Liu did not open the door and serve the customer, the police still issued a CVN. In other instances, the police issued a CVN just because people were walking approximately Lucky Garden's building, or because a neighbor moved and parked a car in front of the restaurant.
- 110. Upon information and belief, near Lucky Garden, at least two similarly situated non-Chinese restaurants, El Greco Pizza, 4301 North 9<sup>th</sup> Street, Philadelphia, PA 19140, and Old English Style Pizza, 4163 North 9<sup>th</sup> Street, Philadelphia, PA 19140, also stayed open past 11:00 p.m. Based on the available records, El Greco Pizza and Old English Style Pizza have never been cited under the 11 P.M. Ordinance.
- 111. Upon information and belief, Plaintiff Dao Chai Wu's Lucky House Chinese restaurant received at least eight CVNs under the 11 P.M. Ordinance. During fiscal years 2015 and 2016, Lucky House received five CVNs from approximately March 2, 2016 through June 7, 2016. Recently, Wu received CVNs in or approximately March 2018. Wu contested these CVNs, incurring expenses and damages.

- 112. Upon information and belief, at least two similarly situated non-Chinese restaurants near Lucky House, Marabello's Pizza, 6019 Torresdale Avenue, Philadelphia, PA 19135, and Star Pizza, 5801 Torresdale Avenue, Philadelphia, PA 19135, also stayed open past 11:00 p.m. Based on the available records, Marabello's Pizza and Star Pizza have never been cited under the 11 P.M. Ordinance.
- 113. Upon information and belief, Plaintiff Jing Chun Zheng's and Xin Hao Ou's Ming Moon Chinese restaurant received more than eighty CVNs under the 11 P.M. Ordinance. During fiscal years 2015 and 2016, Ming Moon received eighty-four CVNs from approximately July 9, 2014 through November 10, 2015. The former owner, Zheng, incurred expenses and was damaged in contesting CVNs.
- thus have only a basic understanding of communications with the police who issued CVNs.

  When Zheng tried to ask the police why other open restaurants were not being cited, the officer insisted: "Just your Chinese restaurant." Sometimes the police cited Ming Moon even after it was closed: the restaurant had an automatic lit-up sign that stayed on, and police would issue CVNs if the restaurant's light was on, even if the restaurant was closed.
- 115. Upon information and belief, at least one similarly situated non-Chinese restaurant near Ming Moon, Pizza House Express, 529 East Allegheny Avenue, Philadelphia, PA 19134, also stayed open past 11:00 p.m. Based on the available records, Pizza House Express has never been cited under the 11 P.M. Ordinance.
- 116. Upon information and belief, Plaintiff Yi Chi Weng's No. 1 Chinese restaurant received at least thirty CVNs under the 11 P.M. Ordinance.

- 117. When Weng tried to ask the police why a nearby open pizza restaurant did not receive CVNs, the police responded: "none of your business." In one instance, a police officer even came and waited in the doorway right before 11:00 p.m., preventing the owner from closing the restaurant, and then issued a CVN at 11:01 P.M. In another instance, Weng received a CVN even after the restaurant was closed, because the police saw Weng speaking to people outside the back door.
- 118. Upon information and belief, at least one similarly situated non-Chinese restaurant near No. 1 Chinese, Pizza House Express, 529 East Allegheny Avenue, Philadelphia, PA 19134, also stayed open past 11:00 p.m. Based on the available records, Pizza House Express has never been cited under the 11 P.M. Ordinance.
- 119. Upon information and belief, Plaintiff Jun Guang Chen's Oriental Sun Chinese restaurant received at least twenty CVNs under the 11 P.M. Ordinance. During fiscal years 2015 and 2016, Oriental Sun received six CVNs from approximately July 22, 2014 through May 25, 2016.
- limited understanding of communications with the police who issued CVNs. According to Chen, police would sometimes wait outside Oriental Sun before 11:00 p.m., already starting to write the CVNs, and issuing the CVNs while the customers were still waiting to pick up the food they had ordered before 11:00 p.m.
- 121. Upon information and belief, at least one similarly situated non-Chinese restaurant near Oriental Sun, El Principe, 115 West Lehigh Avenue, Philadelphia, PA 19133,

also stayed open past 11:00 p.m. Based on the available records, El Principe has never been cited under the 11 P.M. Ordinance.

- 122. Upon information and belief, Plaintiff Jin Eu Chen's Panda Chinese restaurant received at least ten CVNs under the 11 P.M. Ordinance. During fiscal years 2015 and 2016, Panda received thirteen CVNs from approximately July 26, 2014 through October 1, 2015.
- 123. Upon information and belief, at least one similarly situated non-Chinese restaurant near Panda Chinese, Pizza House Express, 529 East Allegheny Avenue, Philadelphia, PA 19134, also stayed open past 11:00 p.m. Based on the available records, Pizza House Express has never been cited under the 11 P.M. Ordinance.
- 124. Upon information and belief, Plaintiff Yong He Dong's Peking Inn
  Chinese restaurant received dozens of CVNs under the 11 P.M. Ordinance. During fiscal years
  2015 and 2016, Peking Inn received around thirteen CVNs from approximately March 19, 2015
  through June 5, 2016. These CVNs totaled more than \$1,000 in fines.
- 125. Yong He Dong has limited English proficiency, and thus has only a very limited understanding of communications with the police who issued CVNs.
- 126. Upon information and belief, near Peking Inn, at least one similarly situated non-Chinese restaurant, Penn Cafe and Pizzeria, 4909 Catharine Street, Philadelphia, PA 19143, also stayed open past 11 P.M. Based on the available records, Penn Cafe and Pizzeria was never cited under the 11 P.M. Ordinance.
- 127. Upon information and belief, Plaintiff Yong Fei Liu's Pine Chinese restaurant received at least twenty-three CVNs under the 11 P.M. Ordinance. During fiscal years

2015 and 2016, Pine Chinese received twenty-three CVNs from approximately July 5, 2014 through June 11, 2016.

- 128. Upon information and belief, at least two similarly situated non-Chinese restaurants near Pine Chinese, Pete's Pizza, 201 South 60<sup>th</sup> Street, Philadelphia, PA 19139, and South Style Pizza & Deli, 449 South 61<sup>st</sup> Street, Philadelphia, PA 19143, also stayed open past 11:00 p.m. Based on the available records, Pete's Pizza and South Style Pizza & Deli have never been cited under the 11 P.M. Ordinance.
- 129. Upon information and belief, Spring Garden Chinese restaurant, 144 South 57<sup>th</sup> Street, Philadelphia, PA 19139, received at least four CVNs under the 11 P.M. Ordinance. During fiscal years 2015 and 2016, Spring Garden received four CVNs from approximately April 1, 2015 through October 24, 2015.
- 130. Upon information and belief, at least two similarly situated non-Chinese restaurants near Spring Garden, Delancey Street Pizzeria, 5701 Delancey Street, Philadelphia, PA 19143, and Pete's Pizza, 201 South 60<sup>th</sup> Street, Philadelphia, PA 19139, also stayed open past 11:00 p.m. Based on the available records, Delancey Street Pizzeria and Pete's Pizza have never been cited under the 11 P.M. Ordinance.
- 131. Upon information and belief, Plaintiff Lan Ying Liu's Yummy Yummy Chinese restaurant received at least eight CVNs under the 11 P.M. Ordinance, despite being located on an arguably non-residential blockface. During fiscal years 2015 and 2016, Yummy Yummy received eight CVNs from approximately May 30, 2015 through March 2, 2016,. These CVNs totaled thousands of dollars in fines,

- 132. Lan Ying Liu has limited English proficiency and thus has only a limited understanding of communications with the police who issued CVNs.
- 133. Upon information and belief, near Yummy Yummy, at least one similarly situated non-Chinese restaurants, Teddy's Pizza, 4748 Frankford Avenue, Philadelphia, PA 19124, also stayed open past 11 P.M. Based on the available records, Teddy's Pizza was never cited under the 11 P.M. Ordinance.
- 134. Additionally, upon information and belief, a survey of Philadelphia restaurants suggests that many non-Chinese restaurants should be subject to the 11 P.M. Ordinance. Focusing only on pizza restaurants, for example, the following may be located on "residential blockfaces" under the 11 P.M. Ordinance, post opening hours past 11:00 p.m., and have never received CVN, based on at least two years of available records:

Restaurant	Address
Aramingo's Best Pizza	2885 Aramingo Avenue, Philadelphia, PA 19134
Bentoulis Pizza	2347 East Somerset Street, Philadelphia, PA 19134
Brandywine Pizza	532 North 15 <sup>th</sup> Street, Philadelphia, PA 19130
Bravo's Pizza	6702 Torresdale Avenue, Philadelphia, PA 19135
Central Pizza	335 East Girard Avenue, Philadelphia, PA 19125
Clarkville	4301 Baltimore Avenue, Philadelphia, PA 19104
Colonial Pizza	400 South 43 <sup>rd</sup> Street, Philadelphia, PA 19104
Diamond Pizza	1700 North Diamond Street, Philadelphia, PA 19121
DiNapoli Pizza	3137 North Front Street, Philadelphia, PA 19133
Domino's Pizza	4438 Chestnut Street, Philadelphia, PA 19104
El Greco Pizza	4301 North 9 <sup>th</sup> Street, Philadelphia, PA 19140
Erie Pizza Restaurant	1135 East Erie Avenue, Philadelphia, PA 19124
Fiesta Pizza II	600 East Jamestown Street, Philadelphia, PA 19128
Franco's Pizza	2573 Tulip Street, Philadelphia, PA 19125
Garden's Pizza	1902 West Girard Avenue, Philadelphia, PA 19130
Gennaro's Pizza	1315 Bainbridge Street, Philadelphia, PA 19147
Gold Star Pizza	1247 South 47th Street, Philadelphia, PA 19143
J & J's South Philly Brickoven Pizzeria	1177 South 9th Street, Philadelphia, PA 19147
Key Food Pizza	1846 South 12th Street, Philadelphia, PA 19148
Key Food Pizza	2329 East York Street, Philadelphia, PA 19125

Restaurant	Address
LaScala's Pronto	1501 Spring Garden Street, Philadelphia, PA 19130
Lazos Pizza & Grill	873 North 26 <sup>th</sup> Street, Philadelphia, PA 19130
Lucky Corner Pizza	1501 South 26 <sup>th</sup> Street, Philadelphia, PA 19146
Marabello's Pizza	6019 Torresdale Avenue, Philadelphia, PA 19135
Monte Cristo	2421 East Allegheny Avenue, Philadelphia, PA 19134
New London Pizza	500 East Wyoming Avenue, Philadelphia, PA 19120
Most Valuable Pizza	646 South 55 <sup>th</sup> Street, Philadelphia, PA 19143
Night Owls Fast Food	2101 South 3 <sup>rd</sup> Street, Philadelphia, PA 19148
Non Stop Pizza	6601 Hegerman Street, Philadelphia, PA 19135
Old English Style Pizza	4163 North 9 <sup>th</sup> Street, Philadelphia, PA 19140
Old London Style Pizza	3573 Frankford Avenue, Philadelphia, PA 19134
Paradise Pizzeria	1363 East Lycoming Street, Philadelphia, PA 19124
Penn Cafe & Pizzeria	4909 Catharine Street, Philadelphia, PA 19143
Pete's Famous Pizza	116 North 21 <sup>st</sup> Street, Philadelphia, PA 19103
Pete's Pizza	201 South 60 <sup>th</sup> Street, Philadelphia, PA 19139
Pizza House Express	529 East Allegheny Avenue, Philadelphia, PA 19134
Pizza Perfecto	2084 East Allegheny Avenue, Philadelphia, PA 19134
Pizza Point	400 East Wyoming Avenue, Philadelphia, PA 19120
Pizza Power	123 East Allegheny Avenue, Philadelphia, PA 19134
The Pizza Shack	1500 West Porter Street, Philadelphia, PA 19145
Renzi's Pizza & Pasta House	2728 Orthodox Street, Philadelphia, PA 19137
Renzi's Pizzeria	6300 Battersby Street, Philadelphia, PA 19149
Rosario's Pizzeria	1256 South 15 <sup>th</sup> Street, Floor 1, Philadelphia, PA 19146
Royal Pizza	4202 Baltimore Avenue, Philadelphia, PA 19104
San Lucas Pizzeria	2000 South Bouvier Street, Philadelphia, PA 19145
Savas	3505 Lancaster Avenue, Philadelphia, PA 19104
Shef's Pizza	4330 Sheffield Avenue, Philadelphia, PA 19136
Slice	1180 South 10 <sup>th</sup> Street, Philadelphia, PA 19147
Sorrento's Pizza	1624 West Olney Avenue, Philadelphia, PA 19141
Southside Chicken & Seafood Philly	1508 Point Breeze Avenue, Philadelphia, PA 19146
Pizza	_
South Side Pizza	740 Mifflin Street, Philadelphia, PA 19148
South Side Pizza	917 South 20 <sup>th</sup> Street, Philadelphia, PA 19146
South Style Pizza & Deli	449 South 61 <sup>st</sup> Street, Philadelphia, PA 19143
Stadium Pizza	2400 South 10 <sup>th</sup> Street, Philadelphia, PA 19148
Star Pizza	5801 Torresdale Avenue, Philadelphia, PA 19135
Super Fratelli's Pizza	7732 Torresdale Avenue, Philadelphia, PA 19136
Takka Grill	418 East Wyoming Avenue, Philadelphia, PA 19120
Temple Town Pizza	2001 North Gratz Street, Philadelphia, PA 19121
Torresdale Pizza	7517 Torresdale Avenue, Philadelphia, PA 19136
Uncle Tomy's	1653 South 27 <sup>th</sup> Street, Philadelphia, PA 19145
Verdi's Pizza & Grill	2151 South 22 <sup>nd</sup> Street, Philadelphia, PA 19145
Villagio Pizza Café	2533 Clearfield Street, Philadelphia, PA 19134

Restaurant	Address
Villagio Pizza Restaurant	1817 Cottman Avenue, Philadelphia, PA 19111
Vincent's Pizza	6452 Lansdowne Avenue, Philadelphia, PA 19151
Wolf Street Pizza & Grill	2135 Wolf Street, Philadelphia, PA 19145

discriminate against Chinese people and their Chinese take-out restaurant businesses, which has resulted in an extremely disproportionate number of CVNs being issued against them. This pattern and practice of discrimination has deprived Plaintiffs of equal protection under the U.S. Constitution.

# IV. PLAINTIFFS DID NOT KNOW OF THE DISCRIMINATORY SELECTIVE ENFORCEMENT OF THE 11 P.M. ORDINANCE BEFORE NOVEMBER 2016

- 136. Plaintiffs were unaware of the selective enforcement of the 11 P.M.

  Ordinance until November 2016. Although some Plaintiffs had questioned the Philadelphia

  Police Department about their individual businesses, Plaintiffs had no way of knowing the extent of the discrimination against them until November 2016.
- 137. In the fall of 2016, Councilman David Oh began investigating complaints from Chinese-American business owners regarding the 11 P.M. Ordinance.
- 138. On November 14, 2016, Paula Weiss, Esq., Executive Director,
  Philadelphia Office of Administrative Review, issued a report to Francis T. Healy, Esq., Special
  Advisor to the Philadelphia Police Commissioner regarding "Code Violation Notices Issued for
  The Philadelphia Code Section 9-627." A copy of the report is attached as Exhibit E.
- 139. This report described the discrimination faced by Chinese people and their Chinese take-out restaurant businesses with respect to the 11 P.M. Ordinance. It was not until the

report was issued that Plaintiffs were aware they were being deprived of equal protection of the laws.

- V. AFTER A MEETING WITH THE PHILADELPHIA CITY SOLICITOR, ENFORCEMENT OF THE ORDINANCE AGAINST CHINESE PEOPLE AND THEIR CHINESE TAKE-OUT RESTAURANT BUSINESSES DECLINED SHARPLY
- 140. Councilman Oh continued to investigate throughout 2017 and made more and more Chinese-American business owners aware of the discrimination they faced under the 11 P.M. Ordinance.
- 141. Councilman Oh prepared a report entitled "Examples of Selective Enforcement of Section 9-627." The report was last updated by Councilman Oh's office on August 21, 2017 and describes in detail selective discriminatory enforcement of the 11 P.M. Ordinance. A copy of the report is attached as Exhibit F.
- 142. Councilman Oh sent a copy of his report to the City Solicitor's Office.

  Then-solicitor Sozi Tulante responded by letter to Councilman Oh on September 15, 2017. In his letter, Solicitor Tulante denied any discriminatory enforcement but noted that he would speak with the Police Department about enforcement of the 11 P.M. Ordinance and would "look into any such [discriminatory] suspicious or allegations promptly." A copy of the letter is attached as Exhibit G.
- 143. Councilman Oh responded to Solicitor Tulante on September 25, 2017. He noted, "The evidence of discrimination is clear, and I will continue to focus on achieving a permanent resolution to end discrimination against the Chinese takeout business owners in Philadelphia." A copy of the letter is attached as Exhibit H.

- 144. Following this exchange, enforcement of the 11 P.M. Ordinance against Chinese people and their Chinese takeout restaurant businesses declined precipitously through about early 2018. Upon information and belief, the Philadelphia Police Department reduced enforcement of the Ordinance against Chinese people and their Chinese take-out restaurants businesses because of these events.
- 145. Beginning in about mid-2018, the selective discriminatory enforcement of the 11 P.M. Ordinance resumed against Chinese people and their Chinese take-out restaurant businesses with reported renewed discriminatory enforcement efforts by Defendant.

#### **CLAIMS FOR RELIEF**

COUNT I – VIOLATION OF THE EQUAL PROTECTION CLAUSES OF THE FIFTH AND FOURTEENTH AMENDMENTS TO THE U.S. CONSTITUTION, VINDICTIVE AND SELECTIVE ENFORCEMENT (42 U.S.C. § 1983)

- 146. Plaintiffs re-allege and incorporate by reference the allegations set forth in each of the preceding paragraphs of this Complaint.
- 147. Plaintiffs, as Chinese Americans, are a protected class under the Equal Protection Clauses of the Fifth and Fourteenth Amendments of the U.S. Constitution.
- 148. The City of Philadelphia intentionally discriminated against Chinese people and their Chinese take-out restaurant businesses based on race and/or national origin by carefully crafting the 11 P.M. Ordinance to have this discriminatory effect.
- 149. The City of Philadelphia unlawfully deprives Plaintiffs of their rights to equal protection of the laws by intentionally and purposefully enforcing the 11 P.M. Ordinance selectively and in a discriminatory manner against Plaintiffs and others.

- 150. The City of Philadelphia selectively and discriminatorily enforced the 11 P.M. Ordinance against Plaintiffs based on their race.
- 151. Similarly situated, non-Chinese restaurant owners in the City of Philadelphia otherwise subject to the 11 P.M. Ordinance were treated differently than Plaintiffs.
- 152. As a direct and proximate result of the City of Philadelphia's intentional and purposeful racial discrimination against Plaintiffs, Plaintiffs suffered the injuries described above.
- 153. The above-described actions of the City of Philadelphia were so malicious, intentional and reckless, and displayed such a reckless indifference to Plaintiffs' rights and well-being, that the imposition of punitive damages is warranted.
- 154. Accordingly, the 11 P.M. Ordinance violates the Equal Protection Clauses of the Fifth and Fourteenth Amendments to the U.S. Constitution.

# COUNT II – VIOLATION OF THE FIFTH AND FOURTEENTH AMENDMENTS' DUE PROCESS CLAUSES, THE 11 P.M. ORDINANCE IS UNCONSTITUTIONALLY VAGUE (42 U.S.C. § 1983)

- 155. Plaintiffs re-allege and incorporate by reference the allegations set forth in each of the preceding paragraphs of this Complaint.
- 156. The due process clauses of the Fifth and Fourteenth Amendments to theU.S. Constitution prohibit the enforcement of legislation that is unduly vague.

- 157. The 11 P.M. Ordinance is unduly vague because its prohibitions are not sufficiently defined and a person of ordinary intelligence cannot reasonably interpret what is prohibited.
- 158. Specifically, the terms "commercial establishment, "residential blockface," and "take-out restaurant" are impermissibly vague because it is simply not apparent to Plaintiffs, other similarly situated business owners, and to police officers charged with enforcing the 11 P.M. Ordinance, what these terms mean.
- 159. The definitions of these terms in the 11 P.M. Ordinance are so vague that one can only guess as to their meaning.
- 160. The impermissibly vague provisions of the 11 P.M. Ordinance have permitted selective and discriminatory enforcement of the 11 P.M. Ordinance, which has resulted in significant harm to Plaintiffs as described above.
- 161. Accordingly, the 11 P.M. Ordinance is void for vagueness under the due process clauses of the Fifth and Fourteenth Amendments to the U.S. Constitution.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that this Court:

- 1. Declare Philadelphia Ordinance § 9-627 void.
- Enjoin the City of Philadelphia from enforcing Philadelphia Ordinance §
   9-627.

- 3. Enter final judgment in Plaintiffs' favor and against Defendant The City of Philadelphia for monetary damages, including, but not limited to, all amounts necessary to compensate Plaintiffs for fines issued and paid under Philadelphia Ordinance § 9-627 and for costs and expenses Plaintiffs incurred in contesting the illegal fines.
- 4. Enter final judgment in Plaintiffs' favor and against Defendant The City of Philadelphia for punitive or exemplary damages for their willful or malicious conduct.
- 5. Enter final judgment in Plaintiffs' favor and against Defendant The City of Philadelphia for attorneys' fees in bringing this action to protect Plaintiffs' constitutionally protected rights.
  - 6. Award attorneys' fees and costs under 28 U.S.C. § 1988.

7. Such further relief as the Court leems just and appropriate.

November 13, 2018

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### Exhibit A

Print

#### The Philadelphia Code

#### § 9-627. Commercial Establishments on Residential Blockfaces. 896

- (1) Legislative Findings. The Council finds that:
- (a) There has been a growing problem in neighborhoods with nuisance retail shops, including but not limited to take out, convenience establishments. As nuisance stores, these shops have become a haven for drug activity and crime.
- (b) Many of these take out establishments, because of the clientele which they attract and the late night hours during which they operate, have a negative impact upon the safety of adjacent areas, particularly when such adjacent areas are residential in nature.
- (c) In order to prevent crime and to promote a feeling of safety in the City of Philadelphia's communities and neighborhoods, restrictions in addition to those contained in existing zoning ordinances and regulations are necessary to reduce the nighttime hours during which take out, commercial establishments located on predominantly residential blockfaces operate.
- (2) Legislative Purpose. The purpose of this Section is to decrease criminal activity at late-night commercial establishments and promote a feeling of safety on predominately residential blockfaces in the City.
  - (3) Definitions.
- (a) Commercial Establishment. An establishment involved in the buying and selling of goods where consumers primarily purchase goods intended for consumption or use off premises.
- (b) Dwelling. A building which is used or intended to be used exclusively for living or sleeping by human occupants.
- (c) Residential Blockface. One side of a segment of a street that does not extend beyond any intersection with another street, or a portion thereof, and where eighty percent (80%) or more of the buildings are dwellings. A blockface shall not be considered a residential blockface if, geographically, fifty percent (50%) or more of the block frontage is comprised of commercial establishments.
- (d) Take-out Restaurant. A commercial establishment engaged in the preparation and retail sale of food and beverages where the serving of prepared food and/or beverages in disposable packaging and/or containers for consumption by patrons off the premises constitutes more than fifty (50) percent of the establishment's gross revenues. 897
- (4) Prohibited Conduct. 898 Notwithstanding any other provision of this Code, no commercial establishment located on a residential blockface shall be open to the public between 11 P.M. and 6 A.M. For purposes of this ordinance, the location of a commercial establishment shall be determined by the street address assigned by the Board of Revision of Taxes under Section 19-1304(2). Where a take-out restaurant is located on a corner lot where two streets intersect, such establishment shall be considered to be located on a residential blockface if either of the streets which intersect at that corner meet the definition of residential blockface under this Section, notwithstanding the establishment's assigned street address.
- (5) Required Posting. 899 Every commercial establishment located on a residential blockface must display a poster, supplied by the Department of Licenses and Inspections upon the payment by the establishment of a reasonable fee, which indicates that the establishment is subject to the terms of this Ordinance. The poster shall be prominently displayed in a conspicuous place which can be readily observed by passersby at or near the entrance to the establishment.
  - (6) Penalties. 900 A violation of this Section shall constitute a Class III offense.

### **Exhibit B**

# CITY OF PHILADELPHIA CODE VIOLATION NOTICE



1720181-1	6-18-(5  230 PM
NAME OF VIOLATOR FU M	an Cau
ADDRESS OF VIOLATOR  S940 May Le	x 2+
	STATE PA 19139
STREET CODE 535	005940
LOCATION HOUSE & DIRECTION	
VICILATION STYS MER	WAT CE.

YOU ARE HEREBY NOTIFIED THAT YOU VIOLATED THE FOLLOWING SECTION OF THE PHILADELPHIA CODE.  If payment is not received within 10 celendar days, a \$25,00 additional penalty is due.  O1 PM 302.3 High Weeds \$75  O4 10-704.1 Sidewalk not Litter Free \$50  O6 10-714.1 Premises not Litter Free \$50  O7 10-717.1A Trash Set out Early \$50  FINE AMOUNT FOR VIOLATION LISTED BELOW IS CIRCLED  \$25 \$50 \$75 \$100 \$150  18 Other CODY YOUR STORES SELS TO CANALS  Comments: 5 500 \$75 \$100 \$150  Listed of 17 and 40 close by 172 and 40 close by				
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Comments: 5 businesses 10 units  15/50% × 7.5  Warned at 12° an to close by  12° an.  Issuing Officer Badge No. Dept Viol Diet		00 \$150		
Warned at 12° an to close by  12° an.  Issuing Officer Badge No. Dept Viol Diet	19 Other	3	2	
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	Issuing Officer	Badge No.	Dept	
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IMPORTANT See instructions on back.			on back	

CODE VIOLATION NOTICE
1874829-5 G-ac./6 /: 25 PM
FOR MAN HOW FROM THIS OUT
Sgyo Market
VIOLATION STREET CODE 5 3 5 C C C 5 C V C LOCATION HOUSE V DETECTION STREET NAME DESIGNATION
VIOLATION SS YO MARKET ST
YOU ARE HEREBY NOTIFIED THAT YOU VIOLATED THE
FOLLOWING SECTION OF THE PHILADELPHIA CODE.  If payment is not received within 10 calendar
days, a \$25.00 additional penalty is due.
04 10-704.1 Sidewalk not Litter Free S50
06[] 10-714.1 Premises not Litter Free \$50
FINE AMOUNT FOR VIOLATION LISTED BELOW IS CIRCLED
\$25 \$50 \$75 \$100 ,\$150
19[] Other 9-677-
comments to hire obserned Establishment
INITIONATION OF CITY ORdiNANCE
olen AFTER Prescribed times
3-Business / 3-units
If your check is returned unpaid for insufficient or uncollected funds, (1) you authorize eCollect, LLC to make a one-time electronic funds
transfer from your account to collect a fee of \$20; and (2) eCollect, LLC may represent your check electronically to your depository institution for payment.
Issuing Officer Badge No. Dept Viol Dist
CH-05AK 1988 VI 18
issued 6 - aC - Other -

## **Exhibit C**

CITY OF PHILADELPHIA CODE VIOLATION NOTICE	
1770801-4 G-21-15	八:35 AM
NAME OF VIOLATOR Chings of AMERICA GOOD LUCK FOOD & TAYLOR ADDRESS OF VIOLATOR STATE	out.
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04☐ 10-704.1 Sidewalk not Litter Free 06☐ 10-714.1 Premises not Litter Free	\$50
07☐ 10-717.1A Trash Sel out Early	\$50
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13- UNITS	
Ib.d. No	Dept Viol Dist
issuing Officer Badge No.	Dept Viol Dist
Issued 6~2/13	11 18

	CODE VIOLATION	
	NOTICE	
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	Philadelphia P.A. 19143	
	STREET CODE 8 9 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	
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	06 ☐ 10-714.1 Premises not Litter Free \$50 07 ☐ 10-717.1A Trash Set out Early \$50	
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	6- Decidantial	
	3- 13usiness	
	lasuing Officer Badge No./ Dept Viol Dist	
	IMPORTANT See instructions on back.	

### **Exhibit D**

CODE VIOLATION NOTICE
1772276-2 4-1-15 1294 PM
ADDRESS OF VIOLED ST. ST. ST. ST.
VIOLATION FILE PA 19139
STREET CODE 1 3 8005 8 63
VIOLATION 5563 LECUST SH
FOLLOWING SECTION OF THE PHILADELPHIA CODE.  If payment is not received within 10 celendar days, a \$25.00 additional penalty is due.
01 ☐ PM 302.3 High Weeds 875 04 ☐ 10-704.1 Sidewalk not Litter Free 850
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FINE AMOUNT FOR VIOLATION LISTED BELOW IS CIRCLED \$25 \$50 \$75 \$100, \$150
19)0 Other <u>9-627</u>
Comment ABOVE CHINESE Store IN
QUI AT 11:08m.
ALL CHIANSE RESTAURANTS
CLOSE DUE TO ALCOHOLD
CLOSE DUE TO NEIGHBORHON
Issuing Original Badge No. Degt Vigi Diel Issued 4-1-15

## **Exhibit E**

#### City of Philadelphia

### Office of the Chief Administrative Officer Office of Administrative Review

#### Memorandum:

TO: Francis T. Healy, Esq., Special Advisor to the Police Commissioner

FROM: Paula Weiss, Esq., Executive Director, Office of Administrative Review

DATE: November 14, 2016

RE: Code Violation Notices Issued for The Philadelphia Code Section 9-627

As per your request, attached please find a report of Code Violation Notices (CVNs) issued for violations of The Philadelphia Code Section 9-627, remaining open for business between 11 pm and 6 am on a residential blockface, for fiscal years 2015 and 2016.

This report contains individual issuance locations, and the results of any administrative review hearings which may have taken place at the request of the violation recipient. Those CVNs without a noted disposition are CVNs that are uncontested by the recipients. There is a descriptive list of the disposition codes used.

Please let me know if you need clarifications or have any questions.

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CVN dismissed based on video evidence of	Video	40 - LIABLE	07/10/2015	1944 5 0011 51	12	P/O	05/21/2015	28
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percentage criteria	50% comm	42 - DISMISSED	08/29/2015	6212 WOUDLAND AVE	12	Q	05/24/2015	26
CVN dismissed; block does not meet residential	Miss Info	221 - STS ERROR	08/00/2015	DAY GIVE GLOCK MASE	ដ	PΛO	06/02/2015	25
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CVN is valid and uphero	Liable	40 - LIABLE	11/24/2015	1450 S 52ND ST	<b>.</b>	3 6	_	12
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Office of the Chief Administrative Officer

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04/23/2015	01/28/2016	08/09/2016	04/23/2015	05/11/2015		06/19/2015	05/13/2015	06/09/2015	06/15/2015	06/09/2015			10/08/2015	10/26/2015	06/19/2015	06/19/2015				01/12/2016		09/02/2015	07/21/2015	07/18/2015		10/08/2015	07/10/2015	07/21/2015				07/10/2015	10/06/2015	08/04/2015		10/06/2015		09/17/2015					Disposition Date	9-627 C	
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LAB LE         Liable with reduction           PDO         12         5517 LINDBERGH BLVD         600/28/2016         40 - LAB LE         Hearling Default           PDO         12         5517 LINDBERGH BLVD         0401/2016         218 - 50% COMM         Hearling Default           PDO         12         5517 LINDBERGH BLVD         0401/2016         218 - 50% COMM         Warning           PDO         12         5727 ELMWOOD AVE         101/28/2016         218 - 50% COMM         Video           PDO         12         5727 ELMWOOD AVE         101/28/2016         218 - 50% COMM         Video           PDO         12         6727 ELMWOOD AVE         102/21/2015         204 - MISS INFO         Video           PDO         12         6727 ELMWOOD AVE         12/21/2015         204 - MISS INFO         Video           PDO         12         6000 REINHARD ST         0401/2016         218 - 50% COMM         Video           PDO </td <td>POD         02         800 BRIDGE ST         1000/2015         42-DISMISSED         234-POLICE ERR         8           PDD         CB         400 S 60TH ST         01/28/2016         41-LAB W/RD         100</td> <td>  PO</td> <td>  PO</td> <td>  PO   12   SEOR RISING SUN AVE   PO   PO   12   SEOR RISING SUN AVE   PO   PO   PO   PO   PO   PO   PO   P</td> <td>  TOTAL                                      </td> <td>  TOTAL   SATE WYOMING AVE   101552015   42-DISMISSED   220-WARNING   11   2   20-WARNING   12   20-WARNING   17   2   20-WARNING   20-WARNING  </td> <td>  PO</td> <td>  Pro</td> <td>  Pro</td> <td>  PO</td> <td>  Marie   Direct   Di</td> <td>  Police   Issued Philadelphila Code \$9-527 CVM8-   Issued   Year 2016    </td>	POD         02         800 BRIDGE ST         1000/2015         42-DISMISSED         234-POLICE ERR         8           PDD         CB         400 S 60TH ST         01/28/2016         41-LAB W/RD         100	PO	PO	PO   12   SEOR RISING SUN AVE   PO   PO   12   SEOR RISING SUN AVE   PO   PO   PO   PO   PO   PO   PO   P	TOTAL	TOTAL   SATE WYOMING AVE   101552015   42-DISMISSED   220-WARNING   11   2   20-WARNING   12   20-WARNING   17   2   20-WARNING   20-WARNING	PO	Pro	Pro	PO	Marie   Direct   Di	Police   Issued Philadelphila Code \$9-527 CVM8-   Issued   Year 2016

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Office of the Chief Administrative Officer

				Agency Agency District Location of Violation	A B D I E Police (ssued Philadelp
				Disposition Disposition Code  Date and Description	Police Issued Philadelphia Code 59-627 CVNs-Fiscal Year 2016

# **Exhibit F**

#### **INDEX**

### **SAME BLOCKFACE**

- 1. Peking Inn
- 2. Happy Star
- 3. Jack Chen Restaurant
- 4. Fu Man Lou
- 5. Bo Sing
- 6. China Taste
- 7. Golden City

#### Note:

- · All nearby businesses cited received 0 tickets from 2015-2016.
- ? = indeterminable hours (not listed online or unreachable by phone)

### **CLOSE PROXIMITY (MOSTLY WITHIN 1-2 BLOCK RADIUS)**

(Not the same blockface)

- 8. Lucky Garden
- 9. Fu Hing
- 10. Spring Garden
- 11. Grace House
- 12. Golden Star
- 13. Joy Chinese
- 14. Pine Chinese
- 15. Good Luck
- 16. Grace
- 17. Yummy Yummy
- 18. Choy Yung Inn
- 19. China Hut
- 20. Erie Express (updated since 8/21/17)
- 21. Golden Dragon
- 22. New Canton House
- 23. Michael/Sun Rise
- 24. Min House
- 25. Lucky House
- 26. Beijing Garden
- 27. New Taste & Panda House

Other	CMX2	CMX25	CMX3
New Taste (RM1)	Golden Dragon	Golden City	Fu Man Lou
Choy Yung Inn	Peking Inn	·	Joy Chinese
(CMX1)	Jack Chen		China Taste
Fu Hing (RM1)	Pine Chinese		Erie Express
Bo Sing (CMX4)	Lucky House		Golden Star
	Panda House	3	Beijing Garden
	Grace House		
	Good Luck		
	Lucky Garden		
	Michael/ Sun Rise		
	Min House		
	New CantonHouse		
	Yummy Yummy		
	China Dragon		
	China Hut		
	Grace		
	Happy Star		
	Spring Garden		

<sup>\*</sup>Updated 9/26/17

## 1. Peking Inn (4905 Catharine St)

### 13 Tickets in a CMX2

Issue Date	P/O District	Business	Location of Violation	Base District
6/5/16	18	Peking Inn	4905 CATHARINE ST	CMX2
5/7/16	18	Peking Inn	4905 CATHARINE ST	CMX2
4/24/16	18	Peking Inn	4905 CATHARINE ST	CMX2
11/21/15	18	Peking Inn	4905 CATHARINE ST	CMX2
11/1/15	18	Peking Inn	4905 CATHARINE ST	CMX2
10/4/15	18	Peking Inn	4905 CATHARINE ST	CMX2
10/1/15	18	Peking Inn	4905 CATHARINE ST	CMX2
8/23/15	18	Peking Inn	4905 CATHARINE ST	CMX2
8/15/15	. 18	Peking Inn	4905 CATHARINE ST	CMX2
4/27/15	18	Peking Inn	4905 CATHARINE ST	CMX2
4/4/15	18	Peking Inn	4905 CATHARINE ST	CMX2
3/25/15	18	Peking Inn	4905 CATHARINE ST	CMX2
3/19/15	18	Peking Inn	4905 CATHARINE ST	CMX2

### **Businesses Nearby Open after 11PM:**

#### • 1 fast food

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Penn Cafe & Pizzeria	4909 Catharine St	CMX2	12AM 1AM (Fri & Sat)	Same Blockface	26 ft

#### 1 bar

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
The Bar(n)	4901 Catharine St	CMX2	2AM	Same Blockface	72 ft

1. Peking Inn (4905 CATHARINE ST) # 0 G JIDATURE St. — Cettiquine St. — Cathorine St. — Baltimore Ave White Geal Chances & Laundronul Google Q S 49th St a 4905 CATHARINEST O Search For PENDTWGHTLL PENDINGBILLURL NA Catharina St Boltimize Ave Baltimore Avo Balgmore Ave

## 2. Happy Star (1204 N 52ND ST)

### 1 Ticket in a CMX2

Issue Date	P/O District	Business	Location of Violation	Base District
10/7/15	19	HAPPY STAR	1204 N 52ND ST	CMX2

### **Businesses Nearby Open Past 11PM:**

#### • 2 fast foods

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Tasties	1214 N 52nd St	CMX2	11PM 12AM (Fri & Sat)	Same Blockface	85 ft
Pappy's Pizza	1212 N 52nd St	CMX2	12AM 1AM (Fri & Sat)	Same Blockface	167 ft

### **Businesses Nearby That Close Before 11PM:**

Business	Address	Base District	Closing	Location in Relation to Chinese	Distance from Chinese
Kitchen 79 Fried Chicken	1202 N 52nd St	CMX2	11PM	Same Blockface	98 ft

2. Happy Star (1204 N 52ND ST) Song & Capital (Victor) E 0 6 11 53rd St W Stifes St Seventials Instant Auto Tage Yeages Hardware 🔘 O Chris' Clearer M CHELD WAS H SORD SH Al Charg MAS The sad Ave W Capid Are Outw AVE CANALOS OF A CONTROL OF A C W Girard Ave. W Girard Ave. M Dead Ave M Draid Ave ng Point Go gle G Ł 1204 N 52ND ST Search For FM-1 RMd 41 Gitard Ave Address: 1204 North 52ND ST, Street Parcel Number 6273 W Ghaid Yan Address Taumber Range 6 W Great Ave VI Guard Ave sized Ave RM-1

## 3. Jack Chen Restaurant (4226 LANCASTER AVE)

### 3 Tickets in a CMX2

Issue Date	P/O District	Business	Location of Violation	Base District
		Jack Chen		
3/20/15	16	Restaurant	4226 LANCASTER AVE	CMX2
		Jack Chen		
2/27/15	16	Restaurant	4226 LANCASTER AVE	CMX2
		Jack Chen		
1/17/15	16	Restaurant	4226 LANCASTER AVE	CMX2

### **Businesses Nearby Open after 11PM:**

• 1 fast food

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Carnival Pizza IV	4222 Lancaster Ave	CMX2	12AM (Fri & Sat)	Same Blockface	49 ft

#### • 1 bar

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Half Moon Lounge	4228 Lancaster Ave	CMX2	2AM	Same Blockface	13 ft

3. Jack Chen Restaurant (4226 LANCASTER AVE) B 0 0 Utandego 2 Hair Braighing N 42nd 51 Bill's Used Appliances # 1 min Brown St \* Brown St -Brown 51 Brawn St Brown St. Richen St. Brooklyn St 1 0 4226 LANCASTER AVE ۵ Search For Address Number Range 24

## 4. Fu Man Lou (5940 Market St)

### 8 Tickets in a CMX3

Issue Date	P/O District	Business	Location of Violation	Base District
6/26/16	18	Fu Man Lou	5940 MARKET ST	СМХЗ
6/19/16	18	Fu Man Lou	5940 MARKET ST	СМХЗ
6/5/16	18	Fu Man Lou	5940 MARKET ST	CMX3
5/7/16	18	Fu Man Lou	5940 MARKET ST	CMX3
6/20/15	18	Fu Man Lou	5940 MARKET ST	CMX3
6/18/15	18	Fu Man Lou	5940 MARKET ST	CMX3
4/7/15	18	Fu Man Lou	5940 MARKET ST	СМХЗ
4/3/15	18	Fu Man Lou	5940 MARKET ST	CMX3

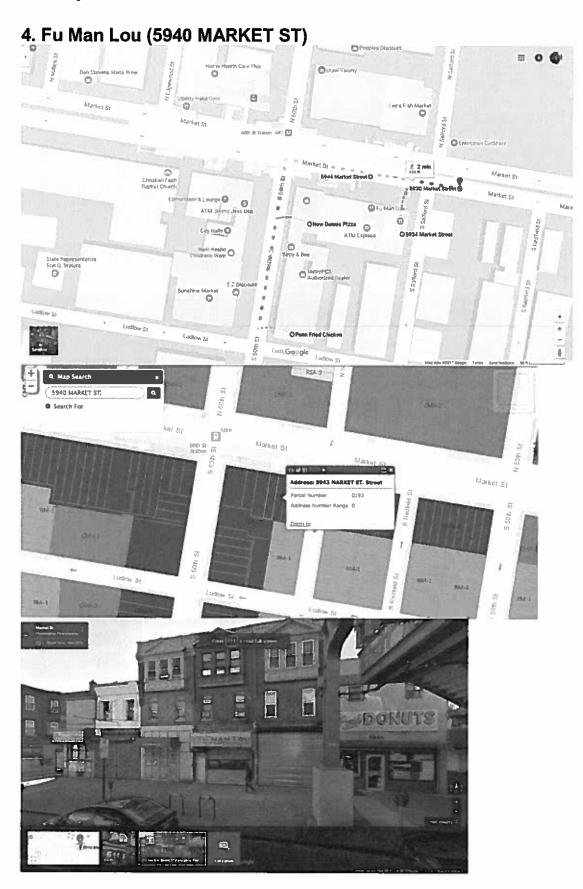
### **Businesses Nearby Open Past 11PM:**

- 1 fast food
- 1 deli

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
5934 Stop N Go Deli Inc	5934 Market St	СМХЗ	12AM	Same Blockface	46 ft
Penn Fried Chicken	19 S 60th St	СМХЗ	1:45AM	Perpendicular Block (Within 1 block radius)	0.1 mi

### **Businesses Nearby That Close Before 11PM:**

Business	Address	Base District	Closing	Location in Relation to Chinese	Distance from Chinese
Fresh Donuts	5944 Market St	СМХЗ	?	Same Blockface	7 ft
New Dennis Pizza	3 S 60 <sup>th</sup> St	СМХЗ	10PM	Perpendicular Block (Within 1 block radius)	217 ft



## 5. Bo Sing (4006 MARKET ST)

### 1 Ticket in a CMX4 each

Issue Date	P/O District	Business	Location of Violation	Base District
6/18/15	18	Bo Sing	4006 Market St	CMX4

### Bo Sing & Heidi Ho Café are 65 ft apart on same blockface

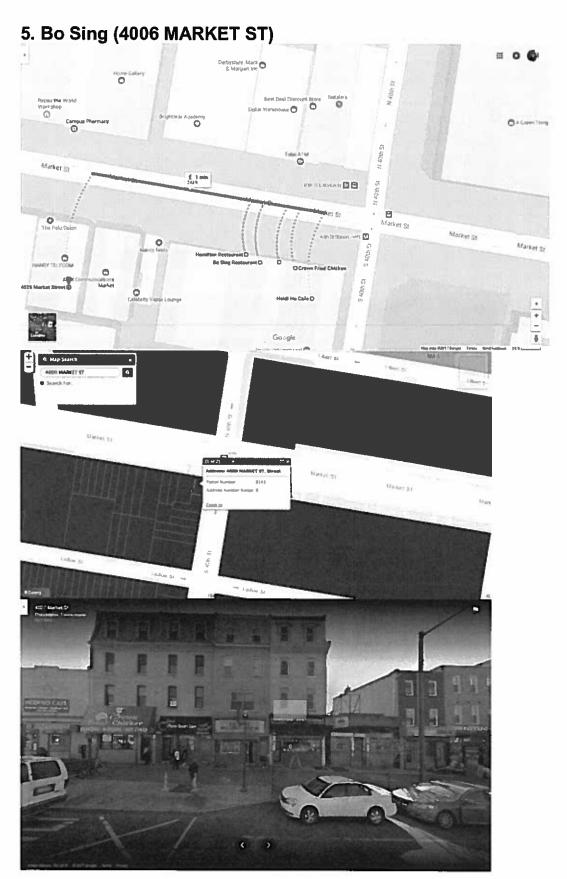
### **Businesses Nearby Open Past 11PM:**

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Crown Fried Chicken	4002 Market St	CMX4	3AM	Same Blockface	39 ft
Wise Guys Pizza & Steaks	4026 Market St	CMX4	11PM 12AM (Fri & Sat)	Same Blockface	177 ft

### **Businesses Nearby That Close Before 11PM:**

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Hamilton Restaurant	4008 Market St	CMX4	3РМ	Same Blockface	13ft
Sina's Fresh Donut Shop	4004 Market St	СМХ4	5:30PM	Same Blockface	26 ft

Note: This demonstrates getting a ticket despite being on a commercial blockface.



## 6. China Taste (3718 N Broad St)

### 4 Tickets in a CMX3

Issue Date	P/O District	Business	Location of Violation	Base District
11/20/15	39	China Taste	3718 N Broad St	CMX3
8/27/14	39	China Taste	3718 N Broad St	CMX3
8/21/14	39	China Taste	3718 N Broad St	CMX3
7/11/14	39	China Taste	3718 N Broad St	CMX3

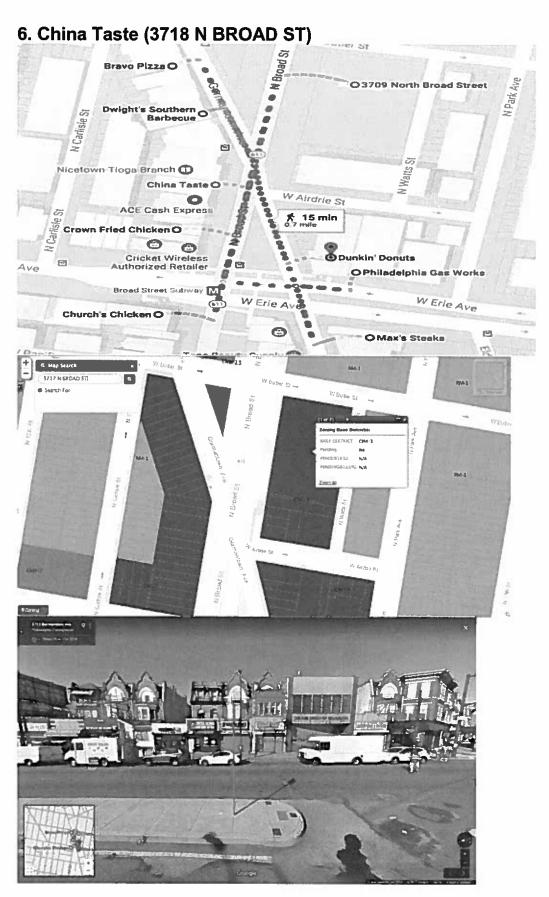
### **Businesses Nearby Open Past 11PM:**

- 1 gas station
- 3 fast foods

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Philadelphia Gas Works	1337 W Erie Ave	СМХЗ	24 hr	Perpendicular Block (Within 1 block radius)	410 ft
Max's Steaks	3653 Germantown Ave	СМХЗ	2AM	Perpendicular Block (Within 1 block radius)	466 ft
Dwight's Southern Barbecue	3734 Germantown Ave	СМХЗ	12AM- 3AM	Same Blockface	194 ft
Crown Fried Chicken	3706 N Broad St	СМХЗ	4AM	Same Blockface	115 ft
Checkers	3709-25 N. Broad St	СМХЗ	12AM	Across the Street (Within 1 block radius)	479 ft

### **Businesses Nearby That Close Before 11PM:**

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Church's Chicken	3650 N Broad St	CMX3	10PM	Next Block	16 ft
Bravo Pizza	3748 Germantown Ave	СМХЗ	10-11PM	Same Blockface	312 ft
Dunkin Donuts	3705 Germantown Ave	СМХЗ	7PM	Perpendicular Block (Within 1 block radius)	295 ft



## 7. Golden City (4132 N Broad St)

20 Tickets in a CMX25

Issue Date	P/O District	Business	Location of Violation	Base District
5/14/16	39	Golden City	4132 N BROAD ST	CMX25
11/20/15	39	Golden City	4132 N BROAD ST	CMX25
7/18/15	39	Golden City	4132 N BROAD ST	CMX25
7/17/15	39	Golden City	4132 N BROAD ST	CMX25
6/29/15	39	Golden City	4132 N BROAD ST	CMX25
6/18/15	39	Golden City	4132 N BROAD ST	CMX25
5/30/15	39	Golden City	4132 N BROAD ST	CMX25
2/14/15	39	Golden City	4132 N BROAD ST	CMX25
11/30/14	39	Golden City	4132 N BROAD ST	CMX25
11/15/14	39	Golden City	4132 N BROAD ST	CMX25
10/26/14	39	Golden City	4132 N BROAD ST	CMX25
9/10/14	39	Golden City	4132 N BROAD ST	CMX25
9/7/14	39	Golden City	4132 N BROAD ST	CMX25
9/6/14	39	Golden City	4132 N BROAD ST	CMX25
8/29/14	39	Golden City	4132 N BROAD ST	CMX25
8/28/14	39	Golden City	4132 N BROAD ST	CMX25
8/27/14	39	Golden City	4132 N BROAD ST	CMX25
8/24/14	39	Golden City	4132 N BROAD ST	CMX25
8/21/14	39	Golden City	4132 N BROAD ST	CMX25
7/2/14	39	Golden City	4132 N BROAD ST	CMX25

### **Businesses Nearby Open after 11PM:**

- 1 gas station
- 2 fast foods

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Sunoco Gas Station	4140 N Broad St	CMX25	24hrs	Same Blockface	98 ft
Domino's Pizza	2628 N Broad St	CMX25	2AM		
McDonald's	4200 N Broad St	CMX25	24hrs	Next Block (Within 1 Block Radius)	384 ft

#### 1 bar

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Club 151	4128 N Broad St	CMX25	3:30am	Same Blockface	36 ft

7. Golden City (4132 N BROAD ST) W Hunang Park Ave Witning pack Ave 4132 % BROAD ST.

## 8. Lucky Garden (6201 Elmwood Ave)

### 4 Tickets in a CMX2

Issue Date	P/O District	Business	Location of Violation	Base District
12/29/15	12	Lucky Garden	6201 Elmwood Ave	CMX2
11/10/15	12	Lucky Garden	6201 Elmwood Ave	CMX2
5/23/15	12	Lucky Garden	6201 Elmwood Ave	CMX2
5/13/15	12	Lucky Garden	6201 Elmwood Ave	CMX2

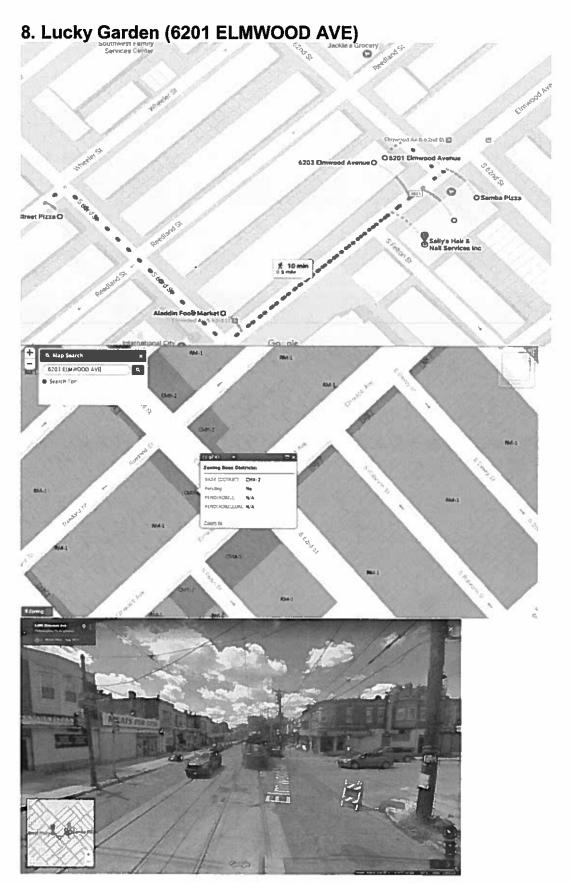
### **Businesses Nearby Open Past 11PM:**

- 2 fast foods
- 1 hair salon

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Gobou Hair Braiding	6203 Elmwood Ave	CMX2	12AM	Same Blockface	16 ft
Samba Pizza	6200 Elmwood Ave	CMX2	12AM	Across the Street (Within 1 block radius)	62 ft
63 <sup>rd</sup> Street Pizza	6300 Wheeler St	CMX2	11PM 12AM (Fri & Sat)	Perpendicular Block (Within 1 block radius)	0.2 mi

### **Businesses Nearby That Close Before 11PM:**

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Elmwood Central Animal Hospital	6206 Elmwood Ave	CMX2	6РМ	Across the Street (Within 1 block radius)	262 ft
Aladdin Food Market	3651 N 5th St	CMX2	6PM	Same Blockface	417 ft
Sally's Nail and Hair Services	516 W Erie Ave	CMX2	?	Across the Street (Within 1 block radius)	177 ft



### 9. Fu Hing (3700 N Randolph St)

#### 10 Tickets in a RM1

Issue Date	P/O District	Business	Location of Violation	Base District
6/14/16	25	Fu Hing	3700 N RANDOLPH ST	RM1
3/10/16	25	Fu Hing	3700 N RANDOLPH ST	RM1
10/26/15	25	Fu Hing	3700 N RANDOLPH ST	RM1
10/24/15	25	Fu Hing	3700 N RANDOLPH ST	RM1
7/28/15	25	Fu Hing	527 W ERIE AVE	RM1
5/8/15	25	Fu Hing	3700 N RANDOLPH ST	RM1
11/21/14	25	Fu Hing	3700 N RANDOLPH ST	RM1
1/14/15	25	Fu Hing	3700 N RANDOLPH ST	RM1
11/1/14	25	Fu Hing	527 W ERIE AVE	RM1
12/10/14	25	Fu Hing	527 W ERIE AVE	RM1

### **Businesses Nearby Open Past 11PM:**

- 1 gas station
- 1 auto shop

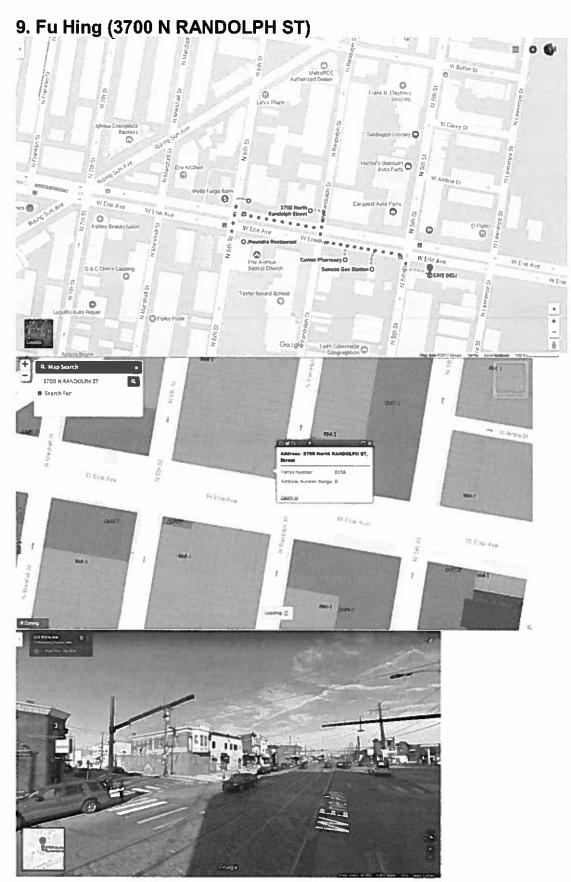
Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Sunoco	500 W Erie Ave	CMX2	24hrs	Across the Street (Within 1 block radius)	243 ft
Velez Agency	3701 N 6th St	RM1	24hr	Same Blockface	374 ft

#### **Businesses Nearby That Close Before 11PM:**

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Carquest Auto Parts	501 W Erie Ave	CMX2	6PM	Perpendicular Block (Within 1 block radius)	262 ft
Erie Deli	3651 N 5th St	CMX2	6РМ	2 Blocks Away (Within 2 block radius)	417 ft
Center Pharmacy	516 W Erie Ave	CMX2	?	Across the Street (Within 1 block radius)	177 ft
Jhoandra Restaurant	3661 N 6 <sup>th</sup> St	CMX2	9PM	Across the Street (Within 1 block radius)	410 ft

#### Note:

 Violations at 3700 N Randolph St and 527 W Erie Ave are for the same one restaurant. Business is at corner so police could have mislabeled the location of violation.



## 10. Spring Garden (144 S 57<sup>TH</sup> St)

### 4 Tickets in a CMX2

Issue Date	P/O District	Business	Location of Violation	Base District
10/24/15	18	Spring Garden	144 S 57 <sup>th</sup> St	CMX2
7/15/15	18	Spring Garden	144 S 57 <sup>th</sup> St	CMX2
4/7/15	18	Spring Garden	144 S 57 <sup>th</sup> St	CMX2
4/1/15	18	Spring Garden	144 S 57 <sup>th</sup> St	CMX2

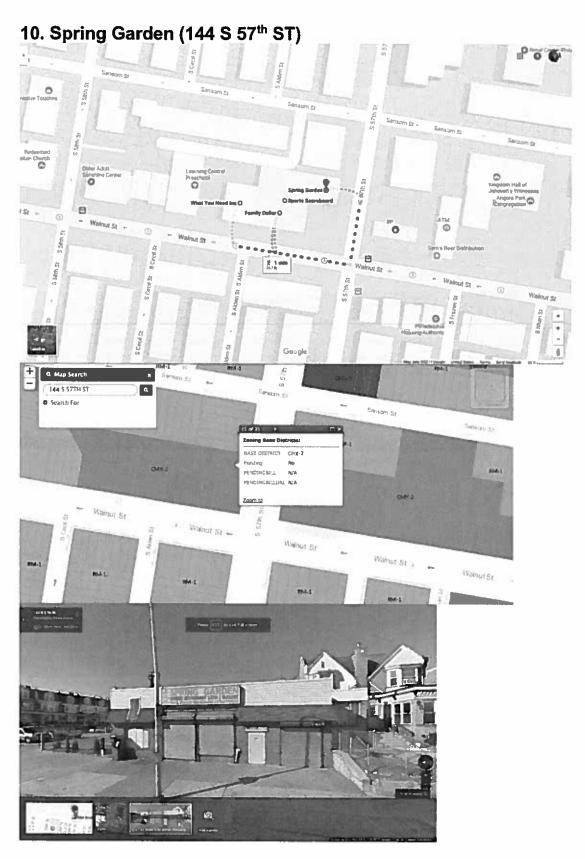
### **Businesses Nearby Open Past 11PM:**

- 1 gas station
- 1 auto shop

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
ВР	5657 Walnut St	CMX2	24hrs	Across the Street (Within 1 block radius)	52 ft
What U Need Inc.	5719 Walnut St	CMX2	24hrs	Perpendicular Block (Within 1 block radius)	367 ft

### **Businesses Nearby That Close Before 11PM:**

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Sports Scoreboard	5707 Walnut St	CMX2	?	Perpendicular Block (Within 1 block radius)	272 ft
Family Dollar	5701 Walnut St	CMX2	10PM	Same Blockface	279 ft



## 11. Grace House Convenient Store (134 N 52ND St)

> 10 Tickets reported (not in 2015-2016 database) on an entirely CMX2 street

### **Businesses Nearby Open Past 11PM:**

• 2 fast foods

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Pete's Pizza	5158 Haverford Ave	CMX2	1AM	Next Block (Within 1 block radius)	0.2 mi
Checkers	5129 Market St	CMX2	12AM (Mon) 3-4AM (Tues-Sun)	Next Block (Within 1 block radius)	0.2 mi

### **Businesses Nearby That Close Before 11PM:**

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Lovely Nail Salon	132 N 52nd St	CMX2	7:00PM	Same Blockface	23 ft
Fine Cut Beauty Salon	118 N 52nd St	CMX2	?	Same Blockface	151 ft
Kani's #2	120 N 52nd St	CMX2	7:00PM	Next Block (Within 1 block radius)	427 ft
Philly Halal & Jamaican Cuisine	22 N 52nd St	CMX2	11PM	Next Block (Within 1 block radius)	0.1 mi

#### Note:

- China Wok nearby (across from Pete's Pizza) but in a RSA5 area
  - o received 1 ticket on 8/7/14
- Jade Spring next block from Grace House (433 ft)
  - o received 1 ticket on 9/2/14



## 12. Golden Star (156 S 60<sup>th</sup> St)

### 2 Tickets in a CMX3

Issue Date	P/O District	Business	Location of Violation	Base District
6/6/15	18	Golden Star	156 S 60TH ST	CMX3
4/17/15	18	Golden Star	156 S 60TH ST	CMX3

### **Businesses Nearby Open Past 11PM:**

• 1 fast food

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Pete's Pizza	201 S 60th St	СМХЗ	1AM 2AM (Fri & Sat)	Next Block (Within 1 block radius)	95 ft

12. Golden Star (156 S 60TH ST) # 0 O Aton 8 8 £ 1=0 156 5 60TH STI ٩ nur St 🐭 PENDINGNILLURU N/A Walnut St

## 13. Joy Chinese (closed, now Lucky) (271 S 60th St)

14 Tickets in a CMX3: Commercial Blockface

Issue Date	P/O District	B <u>usi</u> ness	Location of Violation	Base District
6/26/16	18	Joy Chinese	271 S 60TH ST	CMX3
6/11/16	18	Joy Chinese	271 S 60TH ST	CMX3
5/24/16	18	Joy Chinese	271 S 60TH ST	CMX3
5/22/16	18	Joy Chinese	271 S 60TH ST	CMX3
5/7/16	18	Joy Chinese	271 S 60TH ST	CMX3
4/17/16	18	Joy Chinese	271 S 60TH ST	CMX3
9/12/15	18	Joy Chinese	271 S 60TH ST	CMX3
8/22/15	18	Joy Chinese	271 S 60TH ST	CMX3
8/16/15	18	Joy Chinese	271 S 60TH ST	CMX3
7/15/15	18	Joy Chinese	271 S 60TH ST	CMX3
6/28/15	18	Joy Chinese	271 S 60TH ST	CMX3
6/6/15	18	Joy Chinese	271 S 60TH ST	СМХЗ
4/7/15	18	Joy Chinese	271 S 60TH ST	CMX3
4/5/15	18	Joy Chinese	271 S 60TH ST	CMX3

### **Businesses Nearby Open Past 11PM**

1 bar

Business	Address	Base District	Closing	Location in Relation to Chinese	Distance from Chinese
Studio 7 Bar & Lounge	277 S 60th St	СМХЗ	2AM	Same Blockface	39 ft

### **Businesses Nearby That Close Before 11PM:**

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Spruce Minimarket	284 S 60th St	СМХЗ	8PM	Across the Street (Within 1 block radius)	56 ft
Quantity Tax Service	282 S 60th St	СМХЗ	9PM	Across the Street (Within 1 block radius)	36 ft
Duke's Jerk Pit & Restaurant (closed)	280 S 60th St	СМХЗ	10PM	Across the Street (Within 1 block radius)	26 ft

**Note:** This demonstrates getting multiple tickets despite being on a commercial blockface.



## 14. Pine Chinese (400 S 60th St)

### 24 Tickets in a CMX2

Issue Date	P/O District	Business	Location of Violation	Base District
7/15/15	18	Pine Chinese	400 S 60TH ST	CMX2
6/11/16	18	Pine Chinese	400 S 60TH ST	CMX2
5/25/16	18	Pine Chinese	400 S 60TH ST	CMX2
5/22/16	18	Pine Chinese	400 S 60TH ST	CMX2
10/5/15	18	Pine Chinese	400 S 60TH ST	CMX2
10/4/15	18	Pine Chinese	400 S 60TH ST	CMX2
10/1/15	18	Pine Chinese	400 S 60TH ST	CMX2
8/23/15	18	Pine Chinese	400 S 60TH ST	CMX2
8/22/15	18	Pine Chinese	400 S 60TH ST	CMX2
8/16/15	18	Pine Chinese	400 S 60TH ST	CMX2
8/13/15	18	Pine Chinese	400 S 60TH ST	CMX2
8/8/15	18	Pine Chinese	400 S 60TH ST	CMX2
7/21/15	18	Pine Chinese	400 S 60TH ST	CMX2
7/19/15	18	Pine Chinese	400 S 60TH ST	CMX2
6/28/15	18	Pine Chinese	400 S 60TH ST	CMX2
6/18/15	18	Pine Chinese	400 S 60TH ST	CMX2
6/6/15	18	Pine Chinese	400 S 60TH ST	CMX2
4/3/15	18	Pine Chinese	400 S 60TH ST	CMX2
3/26/15	18	Pine Chinese	400 S 60TH ST	CMX2
3/19/15	18	Pine Chinese	400 S 60TH ST	CMX2
12/6/14	18	Pine Chinese	400 S 60TH ST	CMX2
10/10/14	18	Pine Chinese	400 S 60TH ST	CMX2
7/5/14	18	Pine Chinese	400 S 60TH ST	CMX2
6/28/15	18	Pine Chinese	400 S 60TH ST	CMX2

### **Businesses Nearby Open Past 11PM:**

#### • 1 fast food

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
South Style Deli & Express	449 S 61st St	СМХЗ	12AM - 1AM	Next Block (Within 1 block radius)	0.2 mi

#### 1 bar

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
318 Bar	318 S 60th St	СМХЗ	2AM	Next Block (Within 1 block radius)	295 ft



## 15. Good Luck (529 S 60<sup>TH</sup> St)

#### 4 Tickets in a CMX2

Issue Date	P/O District	Business	Location of Violation	Base District
6/28/15	18	Good Luck	529 S 60TH ST	CMX2
6/21/15	18	Good Luck	529 S 60TH ST	CMX2
6/20/15	18	Good Luck	529 S 60TH ST	CMX2
3/11/15	18	Good Luck	529 S 60TH ST	CMX2

### **Businesses Nearby Open Past 11PM:**

• 1 fast food

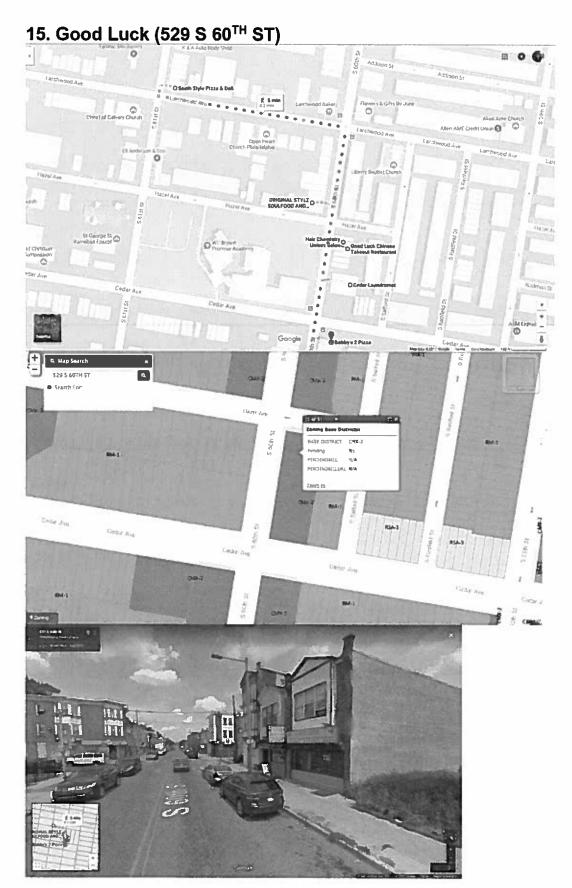
Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
South Style Deli & Express	449 S 61st St	СМХЗ	12AM 1AM (Fri & Sat)	2 Blocks away (Within 2 block radius)	0.2 mi

### **Businesses Nearby That Close Before 11PM:**

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Hair Chemistry Unisex Salon	527 S 60th St,	CMX2	3	Same Blockface	16 ft
Cedar Laundromat	539 S 60th St	CMX2	11PM	Same Blockface	102 ft
Original Stylz Soulfood & Grill	528 S 60th St	CMX2	8-10PM	Next Block (Within 1 block radius)	125 ft
Bobby's 2 Pizza	601 S 60th St	CMX2	9:30PM	Next Block (Within 1 block radius)	279 ft

### Note:

• Pine Chinese (24 tix) is 3 Blocks away



## 16. Grace (608 S 60TH ST)

3 Tickets in a CMX2: Commercial Blockface

Issue Date	P/O District	Business	Location of Violation	Base District
6/26/16	18	Grace	608 S 60 <sup>th</sup> St	CMX2
7/10/15	18	Grace	608 S 60th St	CMX2
4/12/15	18	Grace	608 S 60th St	CMX2

#### No Businesses Nearby Open Past 11PM

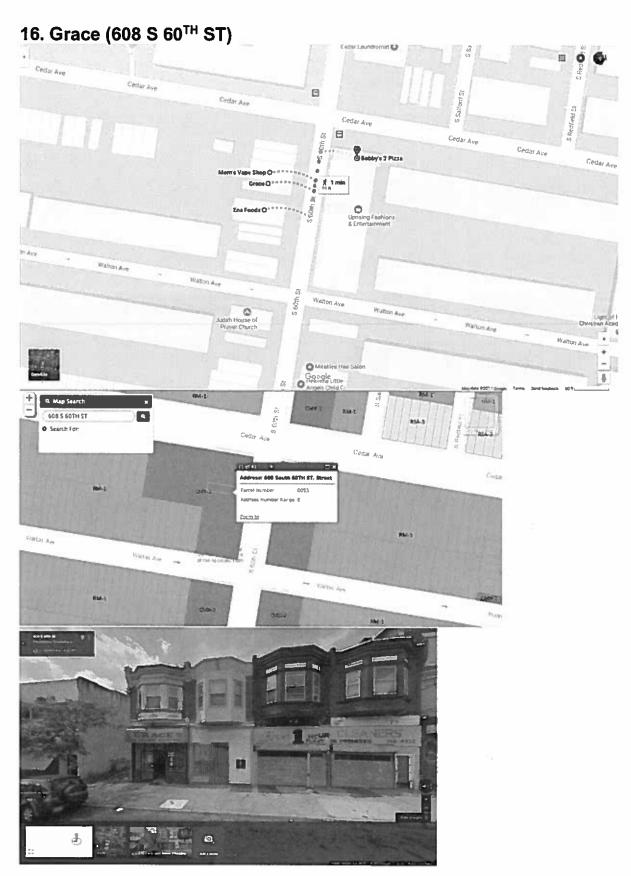
### **Businesses Nearby That Close Before 11PM:**

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Bobby's 2 Pizza	601 S 60th St	CMX2	9:30PM	Across the Street (Within 1 block radius)	59 ft
Mom's Vape Shop	606 S 60th St	CMX2	?	Same Blockface	16 ft
Ena Foods	648 S 60th St	CMX2	?	Same Blockface	39 ft

#### Note:

• Good Luck (See #15) 335 ft away from Grace

**Note:** This demonstrates getting multiple tickets despite being on a commercial blockface.



### 17. Yummy Yummy (4761 GRISCOM ST)

#### 8 Tickets in a CMX2

Issue Date	P/O District	Business	Location of Violation	Base District
3/2/16	15	Yummy Yummy	4761 Griscom St	CMX2
2/28/16	15	Yummy Yummy	4761 Griscom St	CMX2
8/14/15	15	Yummy Yummy	4761 Griscom St	CMX2
8/9/15	15	Yummy Yummy	4761 Griscom St	CMX2
7/19/15	15	Yummy Yummy	4761 Griscom St	CMX2
6/7/15	15	Yummy Yummy	4761 Griscom St	CMX2
5/31/15	15	Yummy Yummy	4761 Griscom St	CMX2
5/30/15	15	Yummy Yummy	4761 Griscom St	CMX2

### **Businesses Nearby Open Past 11PM:**

2 fast foods

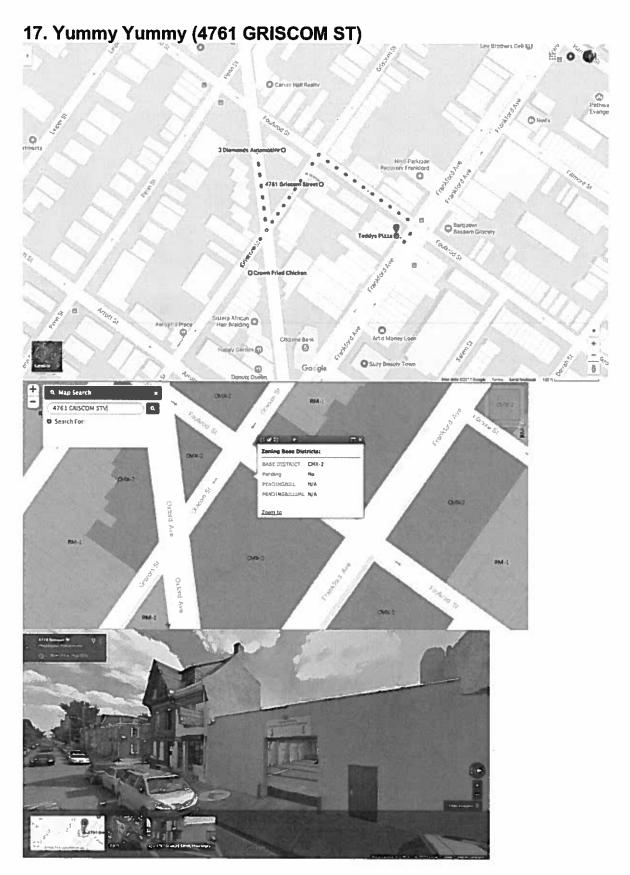
Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Teddy's Pizza	4748 Frankford Ave	CMX2	11:30PM 12AM (Fri & Sat)	Same Block (Within 1 block radius)	377 ft
Crown Fried Chicken	4731 Griscom St	RM1	4AM	Next Block (Within 1 block radius)	262 ft

### **Businesses Nearby That Close Before 11PM:**

Business	Address	Base District	Closing	Location in Relation to Chinese	Distance from Chinese
3 Diamonds Automotive	4771 Oxford Ave	CMX2	5PM	Across the Street (Within 1 block radius)	341 ft

#### Note:

• Happy Garden (1 tix 2/8/16) 433 ft away from Yummy Yummy



# 18. Choy Yung Inn (1526 S 22nd St)

#### 1 Ticket in a CMX1

Issue Date	P/O District	Business	Location of Violation	Base District
?/??/14	17	Choy Yung Inn	1526 S 22 <sup>ND</sup> ST	CMX1

#### **Businesses Nearby Open Past 11PM:**

• 1 fast food

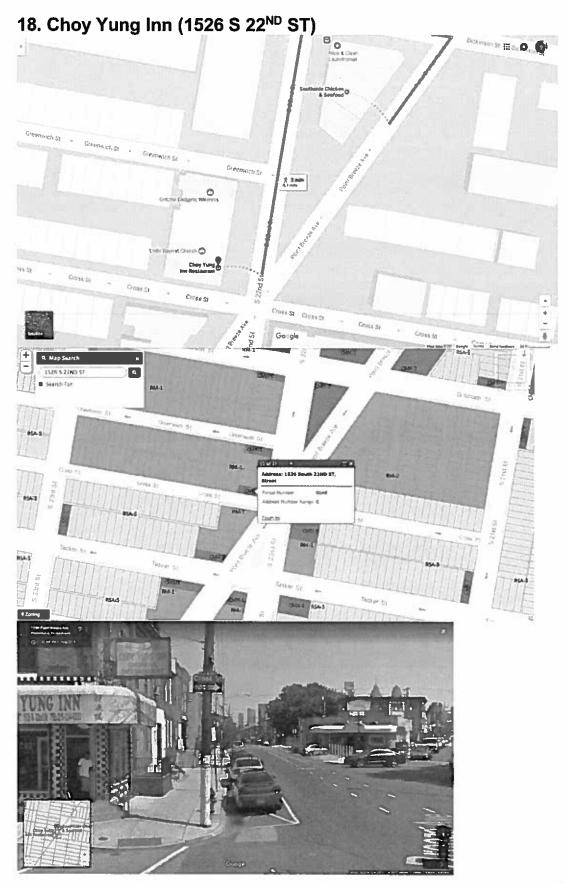
Business	Address	Base District	Glosing Hours	Location in Relation to Chinese	Distance from Chinese
Southside Chicken and Seafood	1508 Point Breeze Ave	CMX2	1AM	Across the Street (Within 1 block radius)	256 ft

#### **Businesses Nearby That Close Before 11PM:**

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Nice & Clean Laundromat	1500 Point Breeze Ave	CMX2	6РМ	Across the Street (Within 1 block radius)	285 ft
Gotcha Gadgets Wireless	1516 S 22nd St	CMX2	6PM	Same Blockface	72 ft

#### Note:

• Choy Li (2 tix in CMX1) ~3 Blocks away (0.4 mi)



### 19. China Hut (2867 N 22ND ST)

#### 1 Ticket in a CMX2

Issue Date	P/O District	Business	Location of Violation	Base District
7/2/14	39	China Hut	2867 N 22 <sup>nd</sup> St	CMX2

#### **Businesses Nearby Open Past 11PM:**

#### • 2 fast foods

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Pizza Center	2929 N 22nd St	CMX2	24hrs	Next Block (Within 1 block radius)	295 ft
Crown Fried Chicken	2912 N 22nd St	CMX2	1AM	Next Block (Within 1 block radius)	167 ft

### **Businesses Nearby That Close Before 11PM:**

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Saudia Shuler's	2836 N 22nd St	CMX2	10PM	Across the Street (Within 1 block radius)	187 ft
Breakfast 2 NE 2	2928 N 22nd St	CMX2	2:30PM	Next Block (Within 1 block radius)	302 ft
Denise's Delicacies	2916 N 22nd St	CMX2	6РМ	Next Block (Within 1 block radius)	207 ft
Polar Deli	2856 N 22nd St	CMX2	?	Across the Street (Within 1 block radius)	13 ft

19. China Hut (2867 N 22ND ST) 11 O O Olympia Sports O Bella Diosa 0 In Campus 21 + In Campus 21 W Cambria St IV Cembria St W Ca 0 ATM Express 2867 N 22ND ST a (1 of 3) Address: 2887 North 2280 ET, St RSA-S

### 20. Erie Express Restaurant (3640 N Broad St)

3 Tickets in a CMX3: Commercial Blockface

Issue Date	P/O District	Business	Location of Violation	Base District
8/27/14	39	Erie Express	3640 N BROAD ST	CMX3
8/21/14	39	Erie Express	3640 N BROAD ST	СМХЗ
7/2/14	39	Erie Express	3640 N BROAD ST	CMX3

### **Businesses Nearby Open Past 11PM**

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Broad Street Tavern	3648 N Broad St	СМХЗ	2AM	Perpendicular Block (Within 1 block radius)	102 ft
Crown Fried Chicken	3706 N Broad St	СМХЗ	4PM	One block over (Within 2 block radius)	338 ft

### **Businesses Nearby That Close Before 11PM:**

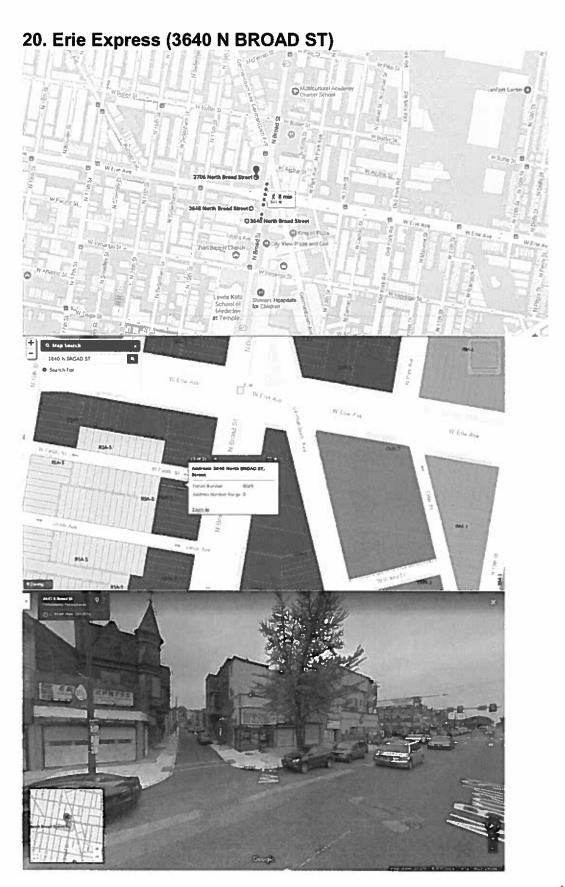
Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Church's Chicken	3650 N Broad St	СМХЗ	10PM	Perpendicular Block (Within 1 block radius)	141 ft
Meadowland Bar-B-Qued Chickens	3642 N Broad St	СМХЗ	10PM 11PM (Thur-Sat)	Across the Street (Within 1 block radius)	46 ft

#### Note:

• China Taste (4 tix) is 453 ft away (1 block)

#### Note:

• Updated on 09/26/17



# 21. Golden Dragon (4163 N DARIEN ST)

#### 14 Tickets in a CMX2

Issue Date	P/O District	Business	Location of Violation	Base District
7/30/15	25	Golden Dragon	4163 N DARIEN ST	CMX2
5/29/15	25	Golden Dragon	4163 N DARIEN ST	CMX2
1/23/15	25	Golden Dragon	4163 N DARIEN ST	CMX2
1/23/15	25	Golden Dragon	4163 N DARIEN ST	CMX2
1/11/15	25	Golden Dragon	4163 N DARIEN ST	CMX2
1/2/15	25	Golden Dragon	4163 N DARIEN ST	CMX2
12/15/14	25	Golden Dragon	4163 N DARIEN ST	CMX2
12/8/14	25	Golden Dragon	4163 N DARIEN ST	CMX2
12/7/14	25	Golden Dragon	4163 N DARIEN ST	CMX2
11/23/14	25	Golden Dragon	4163 N DARIEN ST	CMX2
11/17/14	25	Golden Dragon	4163 N DARIEN ST	CMX2
8/8/14	25	Golden Dragon	4163 N DARIEN ST	CMX2
8/4/14	25	Golden Dragon	4163 N DARIEN ST	CMX2
7/2/14	25	Golden Dragon	4163 N DARIEN ST	CMX2

#### **Businesses Nearby Open Past 11PM:**

• 1 fast food

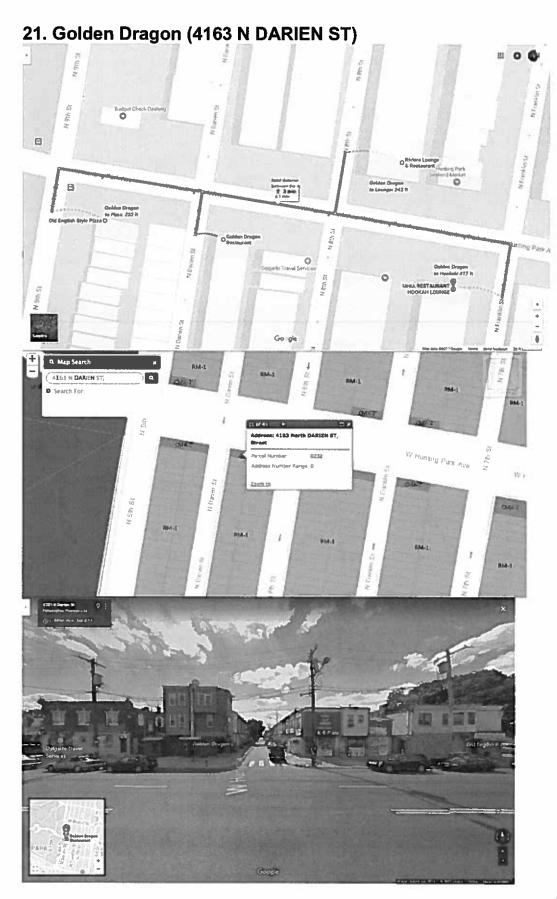
Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Old English Style Pizza	4163 N 9th St	CMX2	12AM (Fri & Sat)	Next Block (Within 1 block radius)	233 ft

#### • 2 bars

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Riviera Lounge & Restaurant	4201 N 8th St	CMX2	2AM	Next Block (Within 1 block radius)	243 ft
Mhia Restaurant Hookah Lounge	4164 N Franklin St	CMX2	3AM	Next Block (Within 1 block radius)	417 ft

#### Note:

• Fu Man Lou Hunting Park (1 ticket 1/28/15 in CMX2) is 410 ft away (next block)



### 22. New Canton House (724 S 52<sup>ND</sup> St)

#### 3 Tickets in CMX2

Issue Date	P/O District	Business	Location of Violation	Base District
5/15/16	18	New Canton House	724 S 52 <sup>nd</sup> St	CMX2
5/28/16	18	New Canton House	724 S 52 <sup>nd</sup> St	CMX2
3/25/15	18	New Canton House	724 S 52 <sup>nd</sup> St	CMX2

#### **Businesses Nearby Open Past 11PM:**

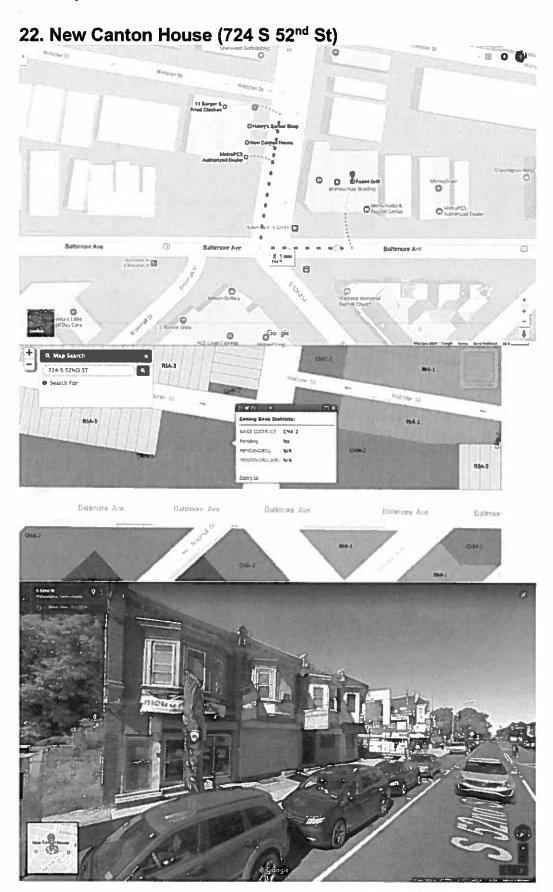
• 1 restaurant

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
11 Burger & Fried Chicken	720 S 52nd St	CMX2	2AM	Perpendicular Block (Within 1 block radius)	39 ft

### **Businesses Nearby That Close Before 11PM:**

Business	Address	Base District	Closing	Location in Relation to Chinese	Distance from Chinese
Henry's Barber Shop	722 S 52nd St	CMX2	?	Same Blockface	20 ft
Metro PCS	726 S 52 <sup>nd</sup> St	CMX2	7PM	Same Blockface	16 ft
Foose Grill	5143 Baltimore Ave	CMX2	9РМ	Across the Street (Within 1 block radius)	230 ft

**Note:** This demonstrates getting multiple tickets despite being on a commercial blockface.



### 23. Michael/Sun Rise (2748 GERMANTOWN AVE)

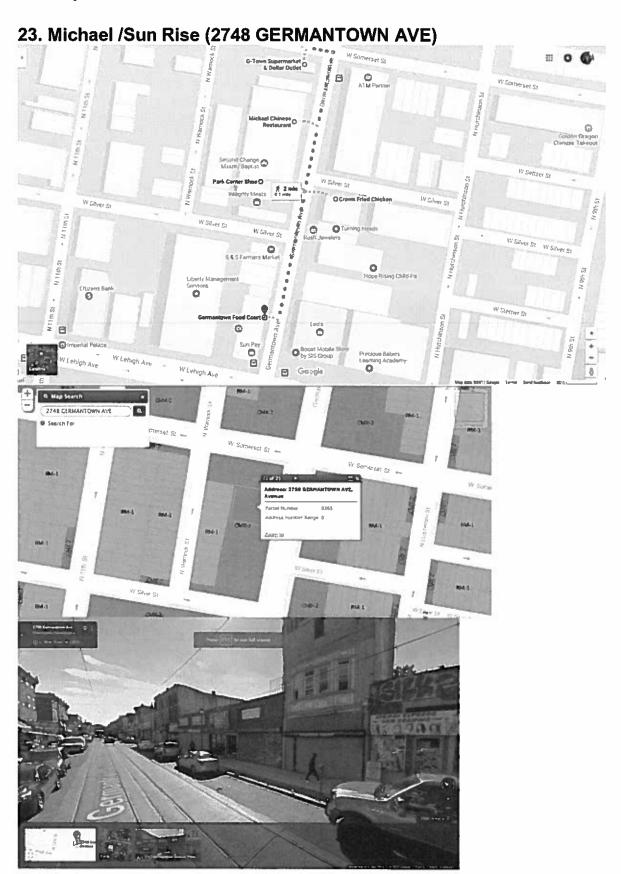
1 Ticket in a CMX2: Commercial Blockface

Issue Date	P/O District	Business	Location of Violation	Base District
9/5/2015	25	Michael/Sun Rise	2748 GERMANTOWN	CMX2
			AVE	

#### **Businesses Nearby:**

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Crown Fried Chicken	2737 Germantown Ave	CMX2	11PM	Across the Street (Within 1 block radius)	115 ft
G Town Supermarket & Dollar Outlet	2756 Germantown Ave	CMX2	?	Same Blockface	171 ft
Park Center Shoe	2732 Germantown Ave	CMX2	?	Same Blockface	112 ft
Germantown Food Court	2710 Germantown Ave	CMX2	?	Next Block (Within 1 block radius)	338 ft

Note: This demonstrates getting a ticket despite being on a commercial blockface.



### 24. Min House (3214 KENSINGTON AVE)

#### 1 Ticket in a CMX2: Commercial Blockface

Issue Date	P/O District	Business	Location of Violation	Base District
10/1/15	24	Min House	3213 Kensington Ave	CMX2

#### **Businesses Nearby Open Past 11PM:**

- 1 bar
- 1 events hall by occasion
- 2 fast foods

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Rookie's Sports Bar	3239 Kensington Ave	СМХЗ	24hrs	Across the Street (Within 1 block radius)	131 ft
Life Events Hall	3247 Kensington Ave	СМХЗ	12AM (special occasions)	Across the Street (Within 1 block radius)	263 ft
Crispy Pizza	1858 E Allegheny Ave	CMX2	11PM 11:30PM (Fri & Sat)	Perpendicular Block (Within 1 block radius)	0.2 mi
Dunkin Donuts	1829 E Allegheny Ave	СМХЗ	24hrs	Perpendicular Block (Within 1 block radius)	0.1 mi

#### **Businesses Nearby That Close Before 11PM:**

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Philly Ink Tattoo	3216 Kensington Ave	CMX2	9PM	Same Blockface	20 ft
J&J family restaurant	3268 Kensington Ave	CMX2	9РМ	Same Blockface	443 ft
Walgreens	1809 E Allegheny Ave	СМХЗ	10PM	Across the Street (Within 1 block radius)	180 ft

#### Note:

- China Bowl (1 tix 8/15/15) 0.2 mi away
- Panda House (14 tix) 0.3 mi away (See #8 on Select Examples)



### 25. Lucky House (5543 Torresdale Ave)

#### 5 Tickets in a CMX2

Issue Date	P/O District	Business	Location of Violation	Base District
6/7/16	15	Lucky House	5543 TORRESDALE AVE	CMX2
5/29/16	15	Lucky House	5543 TORRESDALE AVE	CMX2
5/16/16	15	Lucky House	5543 TORRESDALE AVE	CMX2
4/2/16	15	Lucky House	5543 TORRESDALE AVE	CMX2
3/2/16	15	Lucky House	5543 TORRESDALE AVE	CMX2

### **Businesses Nearby Open Past 11PM:**

#### • 1 fast food

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Pete's Pizza	5536 Torresdale Ave	CMX2	12:30AM 1:30AM (Fri & Sat)	Perpendicular Block (Within 1 block radius)	69 ft

25. Lucky House (5543 TORRESDALE AVE) 5543 TORRESDALE AVE Search For

# 26. Beijing Garden (4527 WAYNE AVE)

#### 2 Tickets in a CMX3

Issue Date	P/O District	Business	Location of Violation	Base District
1/11/15	39	Beijing Garden	4527 Wayne Ave	СМХЗ
8/23/14	39	Beijing Garden	4527 Wayne Ave	СМХЗ

#### **Businesses Nearby That Close Before 11PM:**

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Wayne & Berkley Seafood	4529 Wayne Ave	СМХЗ	11PM	Same Blockface	26 ft
Mom & Pop Deli	4523 Wayne Ave	СМХЗ	?	Same Blockface	30 ft

**Note:** This demonstrates getting tickets despite being on a commercial blockface. It is also an example of being difficult to visually determine whether the blockface is commercial or residential due to vacant properties in CMX3 zoned blockfaces.

26. Beijing Garden (4527 WAYNE AVE)



### 27. New Taste & Panda House (E Allegheny Ave)

13 total (1 New Taste, 12 Panda House) Tickets

New Taste is across from Pizza House Express; Panda House is nearby.

Issue Date	P/O District	Business	Location of Violation	Base District
7/27/14	24	New Taste	530 E ALLEGHENY	RM1

Issue Date	P/O District	Business	Location of Violation	Base District
10/1/15	24	Panda House	666 E ALLEGHENY AVE	CMX2
6/25/15	24	Panda House	666 E ALLEGHENY AVE	CMX2
1/20/15	24	Panda House	666 E ALLEGHENY AVE	CMX2
11/21/14	24	Panda House	666 E ALLEGHENY AVE	CMX2
11/15/14	24	Panda House	666 E ALLEGHENY AVE	CMX2
10/18/14	24	Panda House	666 E ALLEGHENY AVE	CMX2
10/16/14	24	Panda House	666 E ALLEGHENY AVE	CMX2
10/16/14	24	Panda House	666 E ALLEGHENY AVE	CMX2
10/4/14	24	Panda House	666 E ALLEGHENY AVE	CMX2
10/3/14	24	Panda House	666 E ALLEGHENY AVE	CMX2
10/2/14	24	Panda House	666 E ALLEGHENY AVE	CMX2
9/25/14	24	Panda House	666 E ALLEGHENY AVE	CMX2

### **Businesses Nearby Open Past 11PM:**

• 1 fast food

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
Pizza House Express	529 E Allegheny Ave	CMX2	10:45PM 11:45PM (Fri & Sat)	Across the Street from New Taste (Within 1 block radius); 3 blocks over from Panda House	~40 ft from New Taste; 0.1 mi from Panda House

#### **Businesses Nearby That Close Before 11PM:**

Business	Address	Base District	Closing Hours	Location in Relation to Chinese	Distance from Chinese
La Casa del Buen Gusto	657 E Allegheny Ave	RSA5	10PM	Across the Street from Panda House (Within 1 block radius)	135 ft from Panda House
Michael E. Stosic Attorney	664 E Allegheny Ave	CMX2	?	Same Blockface as Panda House	10 ft from Panda House

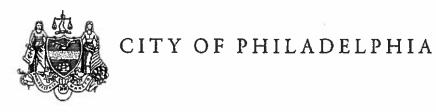
#### Note:

• Ming Moon House (81 tix in RSA5) 2 blocks away from New Taste





# Exhibit G



LAW DEPARTMENT One Parkway 1515 Arch Street Philadelphia, PA 19102-1595

SOZI PEDRO TULANTE City Solicitor (215) 683-5003 (Tel) (215) 683-5069 (Fax)

September 15, 2017

Honorable David Oh Councilperson At-Large 319 City Hall Philadelphia PA 19107

Dear Councilman Oh,

Thank you for sharing with me the study prepared by your Office, entitled "Examples of Selective Enforcement of Section 9-627," updated 8/21/17. I have reviewed the study and I agree with you that it raises important questions, including the possibility of race-based enforcement. I have discussed the study and those questions with the Police Department. As a result of those discussions, I am comfortable that there is no discriminatory enforcement of Section 9-627 taking place currently and that none will occur going forward, under current Department policies.

It is apparent to me that the reasons for any individual instance of what appears to be selective enforcement could be many and varied, and would require an individualized examination of each particular case. Given that the latest example presented in the study of alleged selective enforcement occurred more than one year ago, and most of the examples occurred significantly farther back in time than that, and given the change in Department policies that give me confidence that there is no discriminatory enforcement currently and that there will be no discriminatory enforcement going forward, I believe our collective resources are better devoted to ensuring that the status quo remains in place.

I intend to continue discussions with the Police Department so that I can remain confident that no discriminatory enforcement is occurring. I also understand that there are discussions underway regarding possible revisions to Section 9-627, and that it is hoped that eliminating potential ambiguities in that Ordinance will lead to reduced confusion in its implementation, and, thus, reduced potential for actual or perceived discriminatory enforcement. At least as importantly, though, I very much hope that you will remain vigilant in reporting to me in real time any suspected or alleged instances of discriminatory enforcement. I commit to you that I will look into any such suspicions or allegations promptly.

Honorable David Oh September 15, 2017 Page 2

time any suspected or alleged instances of discriminatory enforcement. I commit to you that I will look into any such suspicions or allegations promptly.

Thank you again for bringing this issue to my attention, and please don't hesitate to contact me in the future regarding any similar concerns.

Sincerely,

Sozi Pedro Tulante

City Solicitor

# Exhibit H



### CITY OF PHILADELPHIA CITY COUNCIL

DAVID OH ROOM 319, CITY HALL PHILADELPHIA, PA 19107 (215) 686-3452 Fax No. (215) 686-1925 Email: david.oh@phila.gov

COUNCILMAN AT-LARGE MINORITY WHIP

September 25, 2017

Honorable Sozi Pedro Tulante City Solicitor Law Department 1515 Arch Street, 17th Floor Philadelphia, PA 19102

Dear City Solicitor Tulante,

COMMITTEES Chairman

Global Opportunities & Creative! Innovative Economy

Member Appropriations Commerce & Economic Development Education **Ethics** Finance Law & Government Parks, Recreation & Cultural Affairs Public Property & Public Works Streets & Services Transportation & Public Utilities Wholn

I have received and read your letter dated September 15, 2017, addressing the discriminatory enforcement of Section 9-627 against the owners of Chinese takeout restaurants in Philadelphia. In January 2017, when we first discussed this issue, I informed you that in FY 2015, 96% of the total Code Violation Notices were issued to Chinese takeout restaurants, and in FY 2016, 85% of the total Code Violation Notices were issued to Chinese takeout restaurants. My office has provided the Law Department the data that served as the basis of this striking finding. In addition, my office has relied on the same data to identify businesses that are nearby

the Chinese takeout restaurants that were ticketed during FY 2015-2016, and that are open to the public after 11 P.M. We compiled our findings in a study entitled, "Examples of Selective Enforcement of Section 9-627," updated August 21, 2017, which you have received. In the study, we identified 7 locations with non-Chinese business establishments located on the same blockfaces as the Chinese takeout restaurants, and 16 locations with non-Chinese business establishments, mostly within one block radius in relation to the Chinese takeout restaurants. The records show that only the Chinese business establishments were found in violation of Section 9-627. Furthermore, the study identified 4 locations of Chinese takeout restaurants that received Code Violation Notices despite being located on a commercial blockface, and therefore does not violate the ordinance.

Those are concrete examples that reveal the targeted use of Section 9-627 based on race and locality. Therefore, as an attorney, I disagree with your conclusion that there is no discrimination in the enforcement of Section 9-627, as stated in your letter dated September 15, 2017. I have been informed that the Police Department has temporarily stopped the enforcement of Section 9-627; however, as you know, there has not been an official documented change in policy.

The evidence of discrimination is clear, and I will continue to focus on achieving a permanent resolution to end discrimination against the Chinese takeout business owners in Philadelphia. I look forward to continuing to work with you.

Sincerely,

David Oh